

№ 4226-296





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THREE SPEECHES

OF THE

HONORABLE THOMAS H. BENTON,

Senator from the State of Missouri,

4226.296

Two delivered in the Senate of the United States,

AND ONE AT BOONVILLE, INDIANA,

From 400 6.78

ON THE SUBJECT

OF THE

ANNEXATION OF TEXAS TO THE UNITED STATES.

NEW YORK.

1844.

Mass Anti-Slavery Socy

TO THE FREEMEN OF THE STATE OF NEW YORK.

THE two following speeches of Mr. BENTON have been re-published, under the conviction that the question of the Annexation of Texas is one of the most serious importance. This question may be looked at in three ways :

First—With reference to the enlargement of our territory.

Second—With reference to the rights of Mexico, and our duties to her as a friendly nation.

Third—With reference to the question of Slavery and of Slave Representation.

As to the enlargement of our Territory, there are different opinions. Many think that the Union is large enough—that the great diversity of interests which it already embraces is quite sufficient for good government. Others believe that our federative system is capable of indefinite expansion. At all events, the Annexation of Texas will never be decided on this view of the case, and it is therefore unnecessary to examine it in detail.

As to Mexico, this question assumes a very different aspect. Texas is at war with the Spanish Republic. If under these circumstances we annex Texas, we undoubtedly assume that war. Nothing could excuse the step until a proper respectful application to Mexico had been made for the purpose of ascertaining on what terms she would assent to our incorporation of her revolted state. Any thing else would implicate us in a gross breach of faith, and in all probability would involve us directly in war. But there is every reason to believe that whenever a reasonable proposition is made to Mexico for this purpose, she will assent. It is her interest to do so, and whenever the Government approaches this part of the subject with skill and moderation, there can be no doubt that the obstacle in question will be removed.

The matter is then narrowed to its aspect in regard to Slavery and Slave Representation. There is no paramount and controlling objection to the mere annexation of Texas, provided it can be done with honor. But how is it to be annexed? Is it to be brought in as a Slave Territory or a Free Country? Are her slaves to be represented?

This question is full of the most serious consequences. The evils and the disgrace of Slavery cannot be exaggerated. Shall we increase these evils? Shall we entail this disgrace, this infamy, on our posterity?

Again, the Slave States have over the Free the immense advantage that their *property* is represented, three-fifths of their slaves are actually voted on in Congress. The white laborer of the North has one vote. The Planter who has five hundred slaves has, in effect, three hundred votes. This is the bargain of the Constitution and we must abide by it. But are we prepared to extend the Representation of Slaves to other lands? Are we prepared to allow any further Representation of Property. Such will be the effect of annexing Texas as a Slave Territory.

Again, the States now are equally divided—Free and Slave. The addition of Texas as a slave holding country adds five or six Slave States to the Confederacy. This destroys forever the balance of power in the Senate; rivets on us irrevocably the ascendancy of the slave holding interest, and recent events render it pretty plain in what spirit the power thus acquired is likely to be exercised.

Do not allow yourselves to look on the question as merely that of "*The Annexation of Texas.*" We do not object to the Annexation of Texas. We object to its *annexation as a Slave-holding Country.* The freemen of the North who have the power in their hands, are insane if they consent to part with it by *annexing Texas as a Slave Territory.* The matter is all yet before the people. It is idle to say that it was decided by the recent election. In this part of the country it was scarcely discussed. Now is the time for you to read, reflect and determine.

On all these topics Mr. Benton has a right to be heard, and it is for that purpose that these speeches are now re-published. Mr. Benton has been a steady and consistent politician. He has received nothing from the public, and has been for upwards of twenty years a most laborious and faithful Legislator. You may disagree with him as to many of the views contained in these pages, but we are satisfied that you will lay them down with the conviction that he is an honest man, and that in the main his opinions are correct.

4226.296

SPEECH OF MR. BENTON

ON THE

Texas Annexation Treaty.

THE treaty for the annexation of the republic of Texas to the United States being taken up for consideration, Mr. Benton expressed a desire to discuss the question upon the resolutions which he had submitted in relation thereto on the 13th instant; whereupon the consideration of the treaty was postponed for that purpose. The resolutions were then read as follows:

Resolved, That the ratification of the treaty for the annexation of Texas to the United States would be an adoption of the Texan war with Mexico by the United States, and would devolve its conduct and conclusion upon the said United States.

Resolved, That the treaty-making power does not extend to the power of making war, and that the President and Senate have no right to make war, either by declaration or adoption.

Resolved, That the country dismembered from the United States by the treaty of 1819 with Spain, comprehending Texas and a large territory between the Red River and the Arkansas, and being geographically appurtenant to the United States, and essential to their political, commercial, and social system, ought to be re-united to the American Union, as soon as it can be done with the consent of a majority of the people of the United States and of Texas, and when Mexico shall either consent to the same or acknowledge the independence of Texas, or cease to prosecute the war against her (the armistice having expired) on a scale commensurate to the conquest of the country.

Mr. Benton said he considered the discussion of the resolutions as the most appropriate mode of discussing the treaty. The two first would be decisive of its fate if adopted, and would show the reason for its rejection; the third one would show the grounds on which the old and uniform friends to the recovery of Texas and the rest of the dismembered territory would act in getting back that large and fair portion of Louisiana, so wantonly thrown away by the inexplicable treaty of 1819.

Preliminary to the right discussion of the treaty is an inquiry into the treaty itself—an inquiry into its contents, in order to see what the treaty is, what it cedes to the United States, and what it is we are called upon to re-annex to the American Union. There may be something in this worth knowing by those who wish to know what they do before they act.

In a poor letter which I lately published subject of Texas, and in answer to a letter from the members of the Texan Congress, a copy of which was published without my knowledge, while the original has not yet come to hand; in this poor letter I took occasion to discriminate between the old province of Texas and the new Republic of Texas, and to show that the latter includes what never was any part of Texas, but a part of the present department and former province of New Mexico, and parts of other departments of the Mexican Republic. To discriminate between these two Texas, and to show to my fellow-citizens that I took the trouble to look at the Texas question before I decided it, and subjected my mind to the process of considering what I was about before I spoke, I wrote as follows:

“With respect to Texas, her destiny is fixed.—Of course I, who consider what I am about, always speak of Texas as constituted at the time of the treaty of 1819, and not as constituted by the Republic of Texas, comprehending the capital, and forty towns and villages of New Mexico! now and always as fully under the dominion of the Republic of Mexico, as Quebec, and all the towns and villages of Canada are under the dominion of Great Britain! It is of this Texas—the old Spanish Texas—of which I always speak; and of her, I say, her destiny is fixed! Whatever may be the fate of the present movement, her destination is to return to her natural position—that of a part of the American Union.”

I adhere to this discrimination between the two Texas, and now propose to see which of the two we are asked by the President of the United States to incorporate into the American Union. I wish to see which we take; and for that purpose look, first, at the article of the treaty which provides for the incorporation. That article, being the first one of the treaty, is in these words:

“The Republic of Texas, acting in conformity with the wishes of the people and every department of its Government, cedes to the United States all its territories, to be held by them in full property and sovereignty, and to be annexed to the said United States as one of their territories, subject to the same constitutional provisions with their other territories. This cession includes all public lots and squares, vacant lands, mines, minerals, salt lakes and springs, public edifices, fortifications,

barracks, ports and harbors, navy and navy yards, docks, magazines, arms, armaments and accoutrements, archives and public documents, public funds, debts, taxes, and dues unpaid at the time of the exchange of the ratifications of this treaty."

This article shows, Mr. President, what it is that is ceded to us by this treaty, and what it is that we are called upon to incorporate into the American Union. It is the Republic of Texas! and that without stint or limit!—the whole Republic, with all its territories, all its domains, all its contents of every kind. All this is proposed to be incorporated into the United States, and to constitute one of its territories; and by the second article of the treaty, this incorporated territory and its inhabitants are to be admitted into the Union as States, as soon as it can be done under the provisions of our Constitution.

The Republic of Texas is ceded to us by name: its boundaries are not specified, nor was it necessary to specify them. A State is a corporate body—a unit—one single, sole, embodied thing—with a name to distinguish it; and by that name it acts and passes without further description or definition. There is no necessity for an exhibition of metes and boundaries. The Republic of Texas acts by its name, and passes itself to us in the whole extent of all the limits and boundaries which it asserts to be its own. This was all clear enough; and we might have taken Texas, as we did Louisiana and the two Floridas, by name, and without further question; but in a case of such moment, and which might devolve with an extreme delicacy and importance, and to avoid the possibility of mistake in a step so momentous, the Senate deemed it right to address itself directly to the President, and to request from him a map of the ceded Republic, and especially of its western and south-western boundary. With this request the President complied; and on the 26th of April transmitted to the Senate a special message, with a map of the ceded Republic, and a memoir upon its boundaries and features. This is the message:

"To the Senate of the United States:

"In compliance with the resolution of the Senate of the 22d instant, requesting the President to communicate to that body any communication, papers, or maps, in possession of this Government, specifying the southern, south-western, and western boundaries of Texas, I transmit a map of Texas, and the countries adjacent, compiled in the Bureau of Topographical Engineers, under the direction of Colonel J. J. Abert, by Lieutenant W. E. Emory, of that corps, and also a memoir upon the subject by the same officer.

"JOHN TYLER.

"Washington, April 26, 1844"

This is the message, and I will now read from the memoir which accompanied it, and afterwards show the map. The memoir says:

"The great northern outline of the map is furnished by the explorations of Lieutenant Fremont, reaching from the South Pass of the Rocky Mountains, along the line of the Platte, and thence down the Missouri to St. Louis.

"The next well determined line going south is the route of Lt Col. S. H. Long, from the base of the Rocky Mountains, nearly south, to the head waters of the Canadian river, thence along the banks of that river to its confluence with the Arkansas.

"The first mentioned of these lines was projected in 1842, under the orders of the Secretary of War; the last was projected in 1818-'19, under the orders of the Hon. John C. Calhoun, then Secretary of War. Both are checked by a great variety of well-selected and well-made astronomical observations. They form the base of all accurate geography of the vast region west of the States and south of the Missouri."

"The astronomical position of the mouth of the Rio del Norte is taken from Humboldt. The Rio del Norte itself, and the territory of Mexico, are taken chiefly from Humboldt's great work. "La Nouvelle Espagne." The country immediately about Santa Fe is an exception. This is laid down from actual surveys in the Bureau of Topographical Engineers. Humboldt wrote in 1803, and published in 1807; yet, in the statistics and topography of Mexico, it is considered unsafe to depart from him. I have, therefore, except in cases of actual survey, adhered to him for all the country west of the Rio del Norte.

"Before going into a particular account of Texas, it may be as well to state that the boundary of New Mexico is laid down by Humboldt; and although the boundary of Texas, as declared by an act of her Congress intersects it, I have not felt at liberty to curtail its limits. But, starting from the Gulf, the Mexicans have no actual possession or fixed habitation east of the Rio del Norte until we reach the mountainous barriers at the Passo.

"The present boundaries of Texas are defined by an act of the Texian Congress, approved December 19, 1836, to be as follows: 'Beginning at the mouth of the Rio Grande, thence up the principal stream of said river to its source; thence due north to the 42d degree of north latitude; thence along the boundary line, as defined in the treaty between the United States and Spain, to the beginning.'

"On the side of the United States no natural boundary is presented; but on the west and north the Rio del Norte, and the mountainous deserts which skirt it, make bold and prominent territorial divisions.

"This grand and solitary river, without any important tributaries to divide its honors south of the Puerco, with its sterile mountain barriers to the south and west, presents the only strong natural boundary between the United States and Mexico.

"In connexion with the mountainous desert, it forms the first class of military obstacles. It extends 1,200 miles to the north, in the region of perpetual snow, and to within about 100 miles of the South, or Fremont's Pass, and rolls down with swiftness a vast volume of turbid waters."

This memoir, Mr. President, is explicit in presenting the Rio Grande del Norte, in its whole extent, as a boundary of the Republic of Texas, and

that in conformity to the law of the Texian Congress establishing its boundaries. The boundaries on the map conform to those in the memoir; each takes for the western limit the Rio Grande from head to mouth; and a law of the Texian Congress is copied into the margin of the map, to show the legal and the actual boundaries at the same time. From all this it results that the treaty before us, besides the incorporation of Texas proper, also incorporates into our Union the left bank of the Rio Grande, in its whole extent, from its head spring in the Sierra Verde, (Green Mountain,) near the South Pass in the Rocky Mountains, to its mouth in the Gulf of Mexico, four degrees south of New Orleans, in latitude 26. It is a "grand and solitary river," almost without affluents or tributaries. Its source is in the region of eternal snow—its outlet in the clime of eternal flowers. Its direct course is 1,200 miles—it actual run about 2,000. This immense river, second on our continent to the Mississippi only, and but little inferior to it in length, is proposed to be added, in the whole extent of its left bank, to the American Union, and that by virtue of a treaty for the re-annexation of Texas! Now, the real Texas which we acquired by the treaty of 1803, and flung away by the treaty of 1819, never approached the Rio Grande, except near its mouth, while the whole upper part was settled by the Spaniards, and great part of it in the year 1694—just one hundred years before La Salle first saw Texas.

All this upper part was then formed into provinces, on both sides of the river, and has remained under Spanish or Mexican authority ever since.—These former provinces of the Mexican viceroyalty, now departments of the Mexican Republic, lying on both sides of the Rio Grande, from its head to its mouth, we now propose to incorporate, so far as they lie on the left bank of the river, into our Union, by virtue of a treaty of re-annexation with Texas.

Let us pause and look at our new and important proposed acquisitions in this quarter. First: there is the department, formerly the province of New Mexico, lying on both sides the river, from its head spring to near the Passo del Norte—that is to say, half way down the river. This department is studded with towns and villages—is populated—well cultivated—and covered with flocks and herds. On its left bank, (for I only speak of the part which we propose to re-annex,) is, first, the frontier village, Taos, 3000 souls, and where the custom house is kept at which the Missouri caravans enter their goods. Then comes Santa Fe, the capital, 4000 souls; then Albuquerque, 6000 souls; then come scores of other towns and villages—all more or less populated, and surrounded by flocks and fields. Then come the departments of Chihuahua, Coahuila and Tamaulipas, without settlements on the left bank of the river, but occupying the right bank, and commanding the left. All this—being parts of four Mexican departments, now under Mexican Governors and Governments—is permanently re-annexed to this Union if this treaty is ratified, and is actually re-annexed from the

moment of the signature of the treaty, according to the President's last message, to remain so until the acquisition is rejected by rejecting the treaty!—The one-half of the department of New Mexico, with its capital, becomes a Territory of the United States: an angle of Chihuahua, at the Passo del Norte, famous for its wine, also becomes ours; a part of the department of Coahuila, not populated on the left bank, which we take, but commanded from the right bank by Mexican authorities; the same of Tamaulipas, the ancient Nuevo San Tander, (New St. Andrew,) and which covers both sides of the river from its mouth for some hundred miles up, and all the left bank of which is in the power and possession of Mexico. These, in addition to the old Texas—these parts of four States—these towns and villages—these people and territory—these flocks and herds—this slice of the Republic of Mexico, two thousand miles long and some hundred broad—all this our President has cut off from its mother empire, and presents to us, and declares it is ours till the Senate rejects it! He calls it Texas! and the cutting off he calls re-annexation! Humboldt calls it New Mexico, Chihuahua, Coahuila, and Nuevo San Tander, (now Tamaulipas;) and the civilized world may qualify this re-annexation by the application of some odious and terrible epithet. Demosthenes advised the people of Athens not to take, but to re-take a certain city; and in that re-laid the virtue which saved the act from the character of spoliation and robbery. Will it be equally potent with us? and will the 're,' prefixed to the annexation, legitimate the seizure of two thousand miles of a neighbor's dominion, with whom we have treaties of peace, and friendship, and commerce? Will it legitimate this seizure, made by virtue of a treaty with Texas, when no Texan force—witness the disastrous expeditions to Mier and to Santa Fe—have been seen near it without being killed or taken, to the last man?

[Here Mr. B. produced the great work of Humboldt on New Spain. ("La Nouvelle Espagne,") the fine Paris edition, with the atlas; and by quotations from the work, and references to the map, justified all that he had said of the Spanish, now Mexican, settlements on the left bank of the Rio Grande del Norte. He also presented the work and map of (the then) Lieutenant, afterwards General Pike, on New Mexico and the Internal Provinces, when conducted through these provinces in 1805-'6; and which, being in the English language, he sent to the Secretary's table for the inspection of all the Senators. The work of Humboldt being in French, he offered to those who knew that language.]

Mr. B. resumed. He said: I draw a broad line of distinction between the Province of Texas and the Republic of Texas. The Province laid between the Sabine and the lower Rio del Norte, and between the Gulf of Mexico and the Red river. It was wholly a Southern Province—the land of verdure and of flowers—forever warm with balmy sunshine, and fresh with perpetual spring. The Republic of Texas stretches to the whole extent of the left bank of the Rio del Norte, penetrates the

region of eternal snow, has a northern limit in the hyperborean latitude of Marblehead and Cape Cod, and embraces the territory between the Red river and the Arkansas, so wantonly and impiously thrown away by the treaty of 1819. Of these two Texas I go for the recovery of the old one, and all the dismembered part of the valley of the Mississippi between the Red river and the Arkansas. I go for this recovery whenever it can be made without the crime and infamy of unjust war. I, the first denouncer of the treaty of 1819—the first advocate for the recovery of Texas—the consistent, uniform, and disinterested advocate for this recovery—I go for it when it can be accomplished without crime and infamy, as declared in the third resolution which I have submitted; and I wash my hands of all attempts to dismember the Mexican Republic by seizing her dominions in New Mexico, Chihuahua, Coahuila, and Tamaulipas.

The treaty, in all that relates to the boundary of the Rio Grande, is an act of unparalleled outrage on Mexico. It is the seizure of two thousand miles of her territory, without a word of explanation with her, and by virtue of a treaty with Texas, to which she is no party. Our Secretary of State, in his letter to the United States Charge in Mexico, and seven days after the treaty was signed, and after the Mexican minister had withdrawn from our seat of Government, shows full well that he was conscious of the enormity of this outrage; knew it was war; and proffered volunteer apologies to avert the consequences which he knew he had provoked.—These passages from the letter establish these facts:

“A treaty for the annexation of Texas to the United States has been signed by the plenipotentiaries of the two Governments, and will be sent by the President to the Senate for its approval.

“In making the fact known to the Mexican Government, the President enjoins it on you to give it, in the first place, the strongest assurance that, in adopting this measure, our Government is actuated by no feelings of disrespect or indifference to the honor or dignity of Mexico, and that it would be a subject of great regret if it should be otherwise regarded by its Government. And, in the next place, that the step was forced on the Government of the United States in self-defence, in consequence of the policy adopted by Great Britain in reference to the abolition of slavery in Texas. It was impossible for the United States to witness with indifference the efforts of Great Britain to abolish slavery there. They could not but see that she had the means in her power, in the actual condition of Texas, to accomplish the objects of her policy, unless prevented by the most efficient measures; and that, if accomplished, it would lead to a state of things dangerous in the extreme to the adjacent States and the Union itself. Seeing this, this Government has been compelled, by the necessity of the case, and a regard to its constitutional obligations, to take the step it has, as the only certain and effectual means of preventing it. It has taken it in full view of all possible conse-

quences, but not without a desire and hope that a full and fair disclosure of the causes which induced it to do so would prevent the disturbance of the harmony subsisting between the two countries, which the United States is anxious to preserve.

“You are enjoined also by the President to assure the Mexican Government, that it is his desire to settle all questions between the two countries which may grow out of this treaty, or any other cause, on the most liberal and satisfactory terms, including that of boundary; and, with that view, the minister who has been recently appointed will be shortly sent with adequate powers.

“You will finally assure the Government of Mexico that the Government of the United States would have been happy, if circumstances had permitted it, to act in concurrence with that of Mexico in taking the step it has; but, with all its respect for Mexico, and anxious desire that the two countries should continue on friendly terms, it could not make, what it believed might involve the safety of the Union itself, depend on the contingency of obtaining the previous consent of Mexico. But while it could not, with a due regard to the safety of the Union, do that, it has taken every precaution to make the terms of the treaty as little objectionable to Mexico as possible; and, among others, has left the boundary of Texas without specification, so that what the line of boundary should be, might be an open question, to be fairly and fully discussed and settled according to the rights of each, and the mutual interests and security of the two countries.”

This letter admits in its whole deprecatory tone, and in its multiplied volunteer apologies, the deep wrong done Mexico, and the violation of the treaty of peace which it involves. It as good as declares that the treaty of annexation has been made in full view of war; for the terms “full view of all possible consequences,” coupled with expressions of regret for the offence it may give Mexico, and a hope and desire that it may not disturb the harmony subsisting between the two countries, can signify nothing else. The letter also admits that there are questions to grow out of this treaty, and that boundary is one of these questions, and promises to send a minister to settle them on satisfactory terms. What could prompt this volunteer admission, except the consciousness that the boundaries of Mexico had been violated; and that the Rio del Norte boundary is the one intended, it being the only coterminous boundary between Mexico and Texas! The letter also admits the want of the concurrence of Mexico in making this treaty—the want of her previous consent—the objectionableness of the treaty to her—her rights in future discussions in relation to this boundary; and it commits an error of fact when it treats this boundary as unfixed by this treaty, and left an open question for future arrangement. The boundary is fixed, as much so as the most elaborate specification could make it. A law of the Texian Congress fixes the boundaries. It defines the boundaries of the Republic of Texas. The terms of this law, even without the map and the memoir, and the terms of

the first article of the treaty, ceding all the territories of the Republic, are decisive of the fact. All passes, or none; for the Republic is a unit, and we cannot divide it. All passes, or none. But the fact is, the whole passes, with the precise boundaries named in the law; and, therefore, the letter of the Secretary of State commits an error of fact in representing this Mexican boundary as an open question. It is not open, but closed by the treaty, to remain closed if the Senate ratifies it, until opened by war or future treaty.

The President, in his special message of Wednesday last, informs us that we have acquired a title to the ceded territories by his signature to the treaty, wanting only the action of the Senate to perfect it; and that, in the mean time, he will protect it from invasion: and for that purpose has detached all the disposable portions of the army and navy to the scene of action. This is a caper about equal to the mad freaks with which the unfortunate Emperor Paul, of Russia, was accustomed to astonish Europe about forty years ago. By this declaration, the thirty thousand Mexicans in the left half of the valley of the Rio del Norte are our citizens, and standing, in the language of the President's message, in a hostile attitude towards us, and subject to be repelled as invaders. Taos, the seat of the customhouse, where our caravans enter their goods, is ours; Santa Fe, the capital of New Mexico, is ours; Governor Armijo is our Governor, and subject to be tried for treason if he does not submit to us; twenty Mexican towns and villages are ours; and their peaceful inhabitants, cultivating their fields and tending their flocks, are suddenly converted, by a stroke of the President's pen, into American citizens or American rebels. This is too bad; and, instead of making themselves party to its enormities, as the President invites them to do, I think rather that it is the duty of the Senate to wash its hands of all this part of the transaction by a special disapprobation. The Senate is the constitutional adviser of the President, and has the right, if not the duty, to give him advice when the occasion requires it. I therefore propose, as an additional resolution, applicable to the Rio del Norte boundary only—the one which I will read and send to the Secretary's table—and on which, at the proper time, I shall ask the vote of the Senate. This is the resolution:

“Resolved, That the incorporation of the left bank of the Rio del Norte into the American Union, by virtue of a treaty with Texas, comprehending, as the said incorporation would do, a part of the Mexican departments of New Mexico, Chihuahua, Coahuila, and Tamaulipas, would be an act of direct aggression on Mexico; for all the consequences of which the United States would stand responsible.”

Having shown the effect of the treaty on the Rio Grande frontier, Mr. B. took up the treaty itself, under all its aspects, and in its whole extent, and assumed four positions in relation to it, namely—

1. That the ratification of the treaty would be, of

itself, war between the United States and Mexico.

2. That it would be unjust war.

3. That it would be war unconstitutionally made.

4. That it would be war upon a weak and groundless pretext.

My first position, said Mr. B., requires the establishment of a preliminary point; which is, that war now exists betwixt Texas and Mexico. This point I can easily establish, but must first dispose of an argument which savors more of crimination than justification, and which we hear incontinently repeated both in this chamber and out of it. This argument, if argument it can be called, assumes that the belligerent relations of Spain and Mexico were the same at the times when Presidents Adams and Jackson undertook to acquire Texas, that those of Texas and Mexico are at this time. When Mr. Tyler's administration is endeavoring to acquire Texas from Texas herself. If true, this argument would only amount to matter of crimination upon the individuals, if any such, who might have favored the acquisition at one time, and opposed it at another, under the same circumstances: As matter of personal reproach, such crimination might do on the stump, if true; but would not do in the Senate, where a sense of right and wrong can alone determine the votes of members. But it is not true, and therefore cannot be rightfully used, even on the stump, much less in the Senate. The cases are not similar, and no inconsistency attaches to the conduct of any one. The belligerent attitude of Spain towards Mexico was altogether different and inferior in 1825 and 1829, to what that of Mexico is towards Texas now; and no analogy can be traced between them.

To make this clear, it is necessary to refresh our minds with some recollections of the Mexican revolution, a subject on which the manner in which it has been referred to would suppose a great ignorance on the part of the speakers. I know that many look at the events of Iguala, in February, 1821, as the beginning of the revolution. Nonsense, Mr. President, that event was the end of the revolution, which had commenced eleven years before. It began on the 15th day of September, in the year 1810, and in the manner which had been foretold by General (then Lieutenant) Pike four years before. It began with the lower orders of the hierarchy—with the native clergy—all condemned to wear out their lives in curacies, while the princely endowments of the great dioceses were bestowed upon exotics imported from Old Spain. The revolution began in this class—the native and the lower clergy—and never did popular movements have a more marked, a more imposing, a more grand, or a more auspicious commencement. It bursted at once, without premonition, like a blazing comet, on the view of the world. It was on Sunday, the 15th of September, 1810, that the curate Hidalgo, in the village of Dolores, in the province of Guanauauto, at the close of the celebration of the high mass, and after having preached a sermon in favor of Independence, issued from the door of his parish church, the crucifix in his hand, the standard of re-

volt borne before him, and calling upon the children of Mexico to follow him; and never, since the days of Peter the Hermit, was a call so answered. The congregation followed, the village followed, the parish followed; and, marching forward, whole populations rose and followed. Cities, towns, provinces followed the crucifix of the curate; and crushing all resistance, a mass of 70,000 men appeared on the hills which overlook the city of Montezuma; and which, since the days of Cortes had never beheld an army with banners. The brave curate, with that instinct of generalship which knows when to leave old rules behind, was for instant attack; and, if he had done so, in three hours the city was his, and the revolution at an end; but a fatal delay of three days was allowed. Treason had penetrated his camp. The Viceroy had sent traitors to whisper in every ear the impossibility of the undertaking; that the priest was no general, and would be whipped; and that he could not take the city, and that himself and followers would all be ruined. Bribes followed, and treason and corruption dissolved in three days the patriotic army which no force could resist, and which was on the point of giving liberty and independence to its country. But the revolution did not stop. The brave curate carried it on till he was killed; and statues have been erected to his memory. Other leaders appeared. The patriots kept the field, or rather the mountains; and at the end of eleven years the events of Iguala put an end to the contest. It had been a struggle, not between the mother country and the colony, but between the different classes of the Mexican population—the native against the European. These two classes, in the persons of their chiefs, united at Iguala, joined their arms together, proclaimed the independence of their country, and from that day (21st of February, 1821,) the revolution was terminated, the independent government was established, and the power of Spain had ceased for ever.

The plan of Iguala, of which Iturbide was the hero, was the work of united Mexicans. It was the union of Mexicans in the cause of independence, and both declared and established independence. It was a great act in itself, putting an end to the revolution of Mexico, but was speedily followed by another act putting the seal upon it. This was the treaty of Cordova, concluded on the 24th of August of the same year, in which the extinction of Spanish power in Mexico, and the establishment of its independence was formally and fully acknowledged by the Spanish King's representative in the vice royalty of Mexico. There is a Spanish copy of this important act in our Congress library, but in the haste of the moment, I have not been able to find it; I only find a copy in French. I find it in the appendix to the memoirs of the some-time Emperor Iturbide, among the vouchers which the French call pieces justificatives. I will read it off in English:

“TREATY OF CORDOVA.—Treaty concluded in the city of Cordova, the 24th of August, 1821, between Don John O'Donjou, lieutenant-general of

the armies of Spain, and Don Augustin de Iturbide, first chief of the imperial Mexican armies of the three guaranties.

“New Spain having declared herself independent of the mother country; possessing an army, to sustain this declaration, in favor of which the provinces have pronounced themselves; the capital, where the legitimate authority had been established, being besieged; the cities of Vera Cruz and of Acapulco alone remaining to the Government, but without garrisons, and without the means of resisting a regular siege of any duration, (mais sans garnisons et sans moyens de resister a un siege en regle de quelque duree;) the Lieutenant General Don John O'Donjou arrived at the first named of the ports, with the titles and qualities of captain-general and first political chief of the kingdom, whereof he has been invested by his Catholic Majesty, desiring to avert the evils which fall necessarily upon the people in the changes of this nature, and to reconcile the interest of the Old with that of the New Spain, invites the first chief of the imperial army, Don Augustin Iturbide, to an interview, in order to discuss the great question of independence, and to untie, without breaking them, the cords which unite the two countries. This interview took place in the city of Cordova, (New Spain,) on the 24th of August, 1821; and the former, in the character with which he was invested, and the latter, as representing the Mexican Empire, having long conferred on the interests of each of the nations, and taken into consideration their present condition, and the recent events, agree to the following articles, which they sign in duplicate, each of the two parties preserving an original, for the greater safety and validity of their stipulations.

“ARTICLE 1. This part of America shall be acknowledged as a sovereign and independent State, and henceforth shall be called the empire of Mexico.”

This, Mr. President, is the inducement to the treaty, and contains all that I want. It is the official acknowledgment, by the King's representative, of the extinction of Spanish power in Mexico, and the first article of the acknowledged independence of the country. The acknowledgment of independence was valuable as coming from the King's representative; but far above that, in point of value, was the acknowledgment of the extinction of Spanish power in Mexico, and the existence of her independence in fact. The first article of the treaty declaring the recognition of Mexican independence, was disavowed at Madrid in the year following; but the great fact of the incapacity of Spain to hold, or recover the country, remained undisputed and indisputable; and that fact received full confirmation from the actual condition of Spain—her King, Ferdinand the Seventh, so far from being able to conquer an empire four thousand miles distant, being in fact unable to sit alone on his own throne, and under the necessity to call on a foreign army to hold him on it.—The Duke d'Angouleme then occupied Spain with some hundred thousand French troops, stretched

from the Pyrenees to Cadiz ; and all to save to Ferdinand his Spanish throne. The idea of Spanish reconquest of Mexico entered no mortal's head. The deliverance of the country was complete, and Europe and America acted upon the knowledge of the fact. Spanish pride, as in the case of Holland, deferred the acknowledgment of independence, but that made no difference. Columbia, and other South American republics, have not been acknowledged by Spain to this day. Mexico was not acknowledged till lately, and then solely on account of Havana, which had ceased to be the entrepot of European and Mexican trade. To recover a share in this trade, Spain yielded to the entreaties and menaces of the authorities of Cuba, and acknowledged the independence of Mexico, and thereby restored the trade between Havana and Vera Cruz, and other Mexican ports. But for this reason, the independence of Mexico would not have been admitted until this day. All the world knew this, and all Powers treated Mexico as fully independent from the year 1821—the year of the two great events of Iguala and Cordova. Mr. Adams' and General Jackson's administrations acted like the rest of the world. Fifteen years of revolution had continued, a mere civil war between the people of Mexico without interference from Spain, when Mr. Adams offered to treat for Texas ; nineteen years the same revolution had continued, when General Jackson offered to treat for the same province.

Now, Mr. Tyler says, the Texian revolution has continued eight years, and it is time to disregard it. Surely if eight years is sufficient, then fifteen and nineteen were still more so. On the mere comparison of time, then, this argument of crimination or recrimination is adequately answered.—But more remains to be said. The existing war between Mexico and Texas is admitted by the parties themselves, by the United States, by England and France, by all the world, and cannot be gainsaid by us for one purpose, while admitting and affirming it for another. There is such a thing as an estoppel in morals as well as in law ; and our President is as much estopped in morality and honor from denying the war between Mexico and Texas at present, as he would be in fact if his mouth was gagged and his throat was plugged. "A man," says Blackstone, "is always estopped by his own deed, and not permitted to aver or prove anything contrary to what he has once solemnly and deliberately avowed." Now, what has President Tyler solemnly and deliberately declared in this case? Hear him : in his last annual message, when engaged in the actual business of treating for Texas, he repeatedly affirms the existence of this war ; declares that it has not approached to any definitive result—averts that Mexico perseveres in her plans of re-conquest—deplores the continuance of the war—expresses his anxiety to witness its termination, and then dogmatically pronounces it is time this war had ceased. Hear him :

"The war which has existed for so long a time between Mexico and Texas has, since the battle of San Jacinto, consisted for the most part of predato-

ry incursions, which, while they have been attended with much of suffering to individuals, and have kept the borders of the two countries in a state of constant alarm, have failed to approach to any definitive result. Mexico has fitted out no formidable armament by land or by sea for the subjugation of Texas. Eight years have now elapsed since Texas declared her independence of Mexico, and during that time she has been recognised as a sovereign power by several of the principal civilized States. Mexico, nevertheless, perseveres in her plans of re-conquest, and refuses to recognise her independence.

"In full view of these considerations, the Executive has not hesitated to express to the government of Mexico how deeply it deprecated the continuance of the war, and how anxiously it desired to witness its termination. I cannot but think that it becomes the United States, as the oldest of the American republics, to hold language to Mexico upon this subject of an unambiguous character. It is time that this war had ceased."

This was said by our President to the two Houses of Congress, and to the civilized world, at the commencement of the present session, and while engaged in actual negotiations for the annexation of Texas to our Union. It does not lie in his mouth, therefore, to deny the war at that time.—The other party to the treaty—the Republic of Texas—had been not only equally explicit, but far more full and elaborate in her declarations of the existence of the same war, and had applied to the United States, to Great Britain and to France, to interpose for its termination, or for the amelioration of its character, so as to have it conducted in future according to the usages of civilized warfare. Here are copious extracts from the letter of Mr. Van Zandt, one of the Texian negotiators of this treaty, to our Secretary of State, Mr. Webster, to that effect. It is dated in this city, in December, 1842 :

"The undersigned, Charge d'Affaires of the Republic of Texas, (under the instructions of his government,) begs leave to submit for your consideration a subject of general concert to civilized nations, but of peculiar interest to Texas, viz : The character of the war at present waged against Texas by Mexico.

"The civilized and Christian world are interested in the unimpaired preservation of those rules of international intercourse, both in peace and war, which have received the impress of wisdom and humanity, and been strengthened through a long course of time by the practice and approval of the most enlightened of modern states. To these rules, in their application to the pending difficulties between Texas and Mexico, your attention is respectfully invited.

"In view of the character of hostilities at present waged by Mexico and Texas, and of those principles which it is believed have been so frequently and flagrantly violated by Mexico, the hope is confidently indulged by my Government that the direct interference of nations mutually friendly will be exerted to arrest a species of war-

fare unbecoming the age in which we live, and disgraceful to any people professing to be civilized.

“War, in its most generous and noble aspect, is accompanied by great calamities. Nations are seldom benefited by it, and it must be productive of great individual suffering. But when individuals and nations are exasperated by repeated wrongs, even cruelty may be rendered tolerable when it is used as retaliation for injuries long endured. The massacres and cruelties which have been inflicted upon Texas since the commencement of the revolution have been responded to by a generous forbearance. But that forbearance cannot be expected much longer to exist.

“Such being the character of hostile operations against Texas on the part of our enemy, which being plainly violative of every principle of civilized, christian, or honorable warfare, and at the same time so little calculated to achieve the professed object of the war—the re-conquest of Texas—the President confidently hopes the Government of the United States will feel not only justified but even called upon to interpose its high authority to arrest this course of proceeding, and to require of Mexico either the recognition of the independence of Texas, or to make war upon her according to the rules established and universally acknowledged by civilized nations.

“If Mexico believes herself able to resubjugate Texas, her right to make the effort will not be denied; on the contrary, if she chooses to invade our territory with that purpose, the President, in the name of the people of all Texas, will bid her welcome. It is not against a war with Mexico that Texas would protest. This she deprecates not. She is willing at any time to stake her existence as a nation upon the issue of a war conducted upon Christian principles.

“Having thus yielded the opportunity of retaliating upon the enemy for the many injuries we had received at their hands, less reluctance is felt in making this representation and invoking the interposition of the United States to put an end to a mode of warfare at once disgraceful to the age, so evil in its consequences to civil society, so revolting to every precept of the Christian religion, and shocking to every sentiment of humanity.”

All this admits the war and the right of Mexico to carry it on. All it asks is that the laws of civilized warfare may govern the contest.

Our Secretary, Mr. Webster, in the name of the President, responded to this appeal; and on the 31st of January, 1843, thus addressed Mr. Thompson, our Minister in Mexico, in compliance with the request of the Texian Charge d’Affaires:

“Sir: I transmit a copy of two notes addressed to this Department by the Charge d’Affaires of Texas. The first, dated the 14th ultimo, requests the interposition of this Government for the purpose of inducing that of the Mexican Republic to abstain from carrying on the war against Texas by means of predatory incursions, in which the proclamations and promises of the Mexican commanders are flagrantly violated, non-combatants seized and detained as prisoners of war, and private pro-

perty used and destroyed. This Department entirely concurs in the opinion of Mr. Van Zandt, that practices such as these are not justifiable or sanctioned by the modern law of nations. You will take occasion to converse with the Mexican Secretary in a friendly manner, and represent to him how greatly it would contribute to the advantage as well as the honor of Mexico to abstain altogether from predatory incursions and other similar modes of warfare. Mexico has an undoubted right to re-subjugate Texas if she can, so far as other states are concerned, by the common and lawful means of war. But other states are interested—and especially the United States, a near neighbor to both parties—are interested not only in the restoration of peace between them, but also in the manner in which the war shall be conducted, if it shall continue. These suggestions may suffice for what you are requested to say, amicably and kindly, to the Mexican Secretary, at present; but I may add, for your information, that it is in the contemplation of this Government to remonstrate in a more formal manner with Mexico, at a period not far distant, unless she shall consent to make peace with Texas, or shall show the disposition and ability to prosecute the war with respectable forces.

“The second note of Mr. Van Zandt is dated the 24th instant, and relates to the mediation of the United States for the purpose of effecting a recognition by Mexico of the independence of Texas.”

This note is not only a full admission of the fact of existing war, but of the right of Mexico to re-subjugate Texas if she could. This is a great admission in this case; it acknowledges the moral right (for no other right can be intended of Mexico) to recover her revolted province; and consequently admits the culpability of the treaty which would withdraw Texas from the danger of this re-subjugation, and place her under the shelter and protection of the United States.

Mr. Thompson replied to this letter under date of March 14, 1843, and stated that he had attempted to execute the instructions of our Government, but that the Mexican Secretary became excited and refused to hear anything on the subject. The letter is important under another aspect, as showing that our minister was made to state an untruth to the Mexican Government, provided the project of annexation of Texas was then entertained, in giving the assurance of a neutrality wholly incompatible with that project of annexation. This is his letter:

“In obedience to your instructions, I then aluded, in the most friendly and respectful terms, to the character of the war now going on between Mexico and Texas, and told him that whilst our Government was determined to observe the strictest neutrality in that war, it felt that it was its duty to remonstrate, in the most respectful manner, with both Governments, against the predatory affrays (really not war) which were now made by both Mexico and Texas, and to urge upon both the abandonment of such a system, the only consequences of which were individual suffering and calamity. He replied (very much excited) that

Mexico did not regard Texas as an independent Power, but as a rebellious province; and that prisoners taken were not entitled to any of the privileges of prisoners of war, but that they were rebels, and would be so treated; and that no suggestions on the subject from other Governments would be received or listened to."

But this is not all. Another letter from Mr. Van Zandt to Mr. Webster, dated January 24, 1843, informs him that Texas had applied to Great Britain to offer her mediation to procure peace between Mexico and Texas, which the British Government had accordingly offered, and Mexico had rejected! The Texian Charge then applied for the triple mediation conjointly offered, by the three Powers—Great Britain, France and the United States—for the same object, which had ended in nothing. Finally, the mediation of Great Britain obtained an armistice, of which the United States had official knowledge, both from the Texian Government and the British Government, under whose auspices it was established, and which has not yet expired, and cannot expire until the stipulated notice is given. This armistice is the most imposing piece of evidence in the case; and utterly estops both the United States and Texas from denying a state of war which this Convention, one of the most sacred known to the law of nations, admits to exist between the two countries. Here is the admission of this great fact in the letter of Mr. Upshur, of the 8th of August, 1843, to the American Charge in Texas:

"No communication has been received from you at this department since that which enclosed President Houston's proclamation of an armistice concluded with Mexico."

The copy of this armistice and President Houston's proclamation has since been called for by the Senate, and furnished by the President. It is conclusive of all the facts for which it was called, namely, the admission of a state of war between the parties, and its temporary suspension by agreement with a view to establish peace. This is the only point of view in which the armistice becomes material to this argument. It is said no peace has been made under it; that no commissioners even have been appointed to treat under it. Granted—and so much the worse for those who deny the state of war; for the failure to make peace is the forerunner to a resumption of hostilities. A final proof of war, I maintain, is in the fact that Mexico holds 2,000 miles of Texian frontier in her hands, which no Texian force has approached—witness the expeditions to Mier and Santa Fe—without being killed or taken to the last man. In these multiplied facts the proof is found both of the actual existence of war between Mexico and Texas, and the total dissimilarity between the cases of Mexico and Texas now and that of Mexico and Spain in 1825 and 1829. The present solemn admissions of war; appeals to other Powers for their mediation; the armistice entered into; and the 2,000 miles of frontier held by Mexico—all this discriminates the case of Texas and Mexico from that of Mexico and Spain, and contrasts strongly with the proud position of Mexico

at Iguala, and at Cordova, where her independence and capacity to maintain her independence, were admitted by the King's representative, and the extinction of Spanish power in Mexico officially proclaimed.

After this, it is not for the United States or Texas to deny the existence of the war between Mexico and Texas, or to endeavor to assimilate the present conditions of those countries with that of Spain and Mexico in 1825 and 1829.

I now proceed a step further, and rise a step higher, Mr. President, in unveiling the designs and developing the conduct of our administration in this hot and secret pursuit after Texas. It is my business now to show that war with Mexico is a design and an object with it from the beginning, and that the treaty-making power was to be used for that purpose. I know the responsibility of a Senator—I mean his responsibility to the moral sense of his country and the world—in attributing so grave a culpability to this administration. I know the whole extent of this responsibility, and shall therefore be careful to proceed upon safe and solid ground. I shall say nothing but upon proof—upon the proof furnished by the President himself—and ask for my opinions no credence beyond the strict letter of these proofs. For this purpose I have recourse to the messages and correspondence which the President has sent us, and begin with the message of the 22d of April—the one which communicated the treaty to the Senate.—That message, after a strange and ominous declaration that no sinister means have been used—no intrigue set on foot—to procure the consent of Texas to the annexation, goes on to say:

"It cannot be denied that Texas is greatly depressed in her energies by her long-protracted war with Mexico. Under these circumstances, it is but natural that she should seek for safety and repose under the protection of some stronger Power; and it is equally so that her people should turn to the United States, the land of their birth, in the first instance, in pursuit of such protection. She has often before made known her wishes, but her advances have, to this time, been repelled. The Executive of the United States sees no longer any cause for pursuing such a course."

This paragraph is explicit of the designs of the President, and his reasons for what he intends.—Texas is depressed, and depressed by her long-protracted war with Mexico: natural that she should seek for safety and repose, and seek it under the protection of some stronger Power: natural that she should look to the United States for such protection: her advances repelled heretofore—the President sees no reason to repel her again. All this is emphatic of the President's design to protect Texas by receiving her into our Union, and thereby adopting her war with Mexico, and making it our own.

And, next, I refer to Mr. Upshur's letter to Mr. Murphy, the United States Charge in Texas, of the 16th of January last, and present these passages speaking as he does by the command of the President:

"Texas has, for some time past, been in a con-

dition to need the aid and protection of some stronger Power. She ought not to have doubted that the sympathies of this country were altogether with her; but the want of power in the Government has prevented it from doing any thing effectual in her favor.

“So far as this Government is concerned, it has every desire to come to the aid of Texas, in the most prompt and effectual manner. How far we shall be supported by the people, I regret to say, is somewhat doubtful.

“It is already well known in Texas that the President has used every means in his power to mitigate the horrors of the war waged by Mexico against that country. In his last message he uses the most emphatic language on that subject. He declares that it is time the war had ceased, and thus, in effect, announces his own purpose to put an end to it by any means which he can constitutionally command. He has no means, except such as he derives from the treaty making power. These he now offers to exert, and has thus given to Texas a pledge of his friendly interest, which it is impossible for her to doubt. This conduct on the part of this Government is far more worthy of confidence than any professions, however vehemently preferred.

“The pending negotiation with Mexico ought not to present any difficulty, unless Texas is prepared to go back again under the dominion of that power. As it is certain she will not consent to this, under any possible circumstances, the result of that negotiation cannot affect unfavorably the proposition of annexation to this country. If Mexico should acknowledge the independence of Texas then Texas will have an undisputed right to dispose of herself as she pleases; and if Mexico shall refuse that acknowledgement, Texas will the more need the protection which the United States now offers. She can require nothing more, in this last event, than that the United States shall take upon themselves the adjustment of her difficulties with Mexico.”

I make no comment upon these pregnant paragraphs, not because the gentleman who penned them is no more; (and certainly no living being has more reason than myself to feel for his fate, and for the awful catastrophe which took his life, and in the midst of which I was;) it is not for this reason that I do not comment upon them, for these correspondences of the Secretaries are not theirs, but the President's. They write by his command, and all they say is his. It is because the passages quoted are beyond comment. They are open and explicit. They go to the point as fully and as plainly as I could write it down. They adopt the Texian war with Mexico—adopt it by treaty—and assume its future conduct and conclusion.

I proceed to another piece of evidence to the same effect—namely, the letter of the present Secretary of State, to Mr. Benjamin Green, our Charge at Mexico, under date of the 19th of April past. The letter has been already referred to, and will only be read now in the sentences which declares that the treaty has been made in the full view of

war! for that alone can be the meaning of this sentence:

“It has taken the step (to wit, the step of making the treaty) in full view of all possible consequences, but not without a desire and a hope that a full and fair disclosure of the causes which induced it to do so, would prevent the disturbance of the harmony subsisting between the two countries, which the United States is anxious to preserve.”

This is part of the despatch which communicates to Mexico the fact of the conclusion of the treaty of annexation—that treaty, the conclusion of which, the formal and reiterated declarations of the Mexican Government informed our Administration during its negotiation, would be war. I will quote one of these declarations, the last one made by General Almonte, the Mexican Minister, and in reply to the letter of our Secretary, who considered the previous declarations as threats. General Almonte disclaims the idea of a threat—repeats his asseveration that it is a notice only, and that in a case in which it was the right and the duty of Mexico to give the notice which would apprize us of the consequences of carrying the treaty of annexation to a conclusion. The letter says:

“In conclusion, the undersigned considers it his duty to repeat to the Secretary of State, in order that he may be pleased to communicate it to his Excellency the President, that neither he nor his Government have intended; and that it should not have been supposed that they would have intended, to cast imputation upon the legislative body, and much less to admonish the Executive as to its duties. His desires have tended solely to the maintenance of the peace and harmony which ought to subsist between two neighboring and friendly nations: and though the undersigned has declared, by express order of his Government, that war will be the inevitable consequence of the annexation of Texas to the United States, he certainly has not done so with the object of intimidating the Government of the Honorable Secretary of State, but with the view of showing how far Mexico would carry her resistance to an annexation of that nature. And in truth the honorable Secretary of State should not regard this as any other than a very natural feeling; as it is most clear that if Mexico or any other power should attempt to appropriate to herself a portion of the territory of the United States, the latter would not consent to it without first appealing to arms, whatever might be the result to which the fortune of war might subject them.”

The consequence of the annexation here announced by General Almonte, is the one of which Mr. Calhoun had a full view when he wrote the letter of the 19th, and that consequence was war!

After receiving this notification from the Mexican Minister, the letter of our present Secretary, of the 19th instant, just quoted, directing our Charge to inform the Mexican Government of the conclusion of the treaty of annexation, must be considered as an official notification to Mexico that the war has begun! and so indeed it has! and as much to our astonishment as to that of the Mexicans!—

Who among us can ever forget the sensations produced in this chamber, on Wednesday last, when the marching and the sailing orders were read ! and still more, when the message was read which set the army and navy in motion !

These orders and the message, after having been read in this chamber, were sent to the printer and have not yet been returned ; I can only refer to them as I heard them read, and from a brief extract which I took of the message, and must refer to others to do them justice. From all that I could hear, the war is begun ; and begun by orders issued by the President before the treaty was communicated to the Senate ! We are informed of a squadron, and an army of " observation," sent to the Mexican ports, and Mexican frontier, with orders to watch, remonstrate, and report, and to communicate with President Houston ! Now, what is an army of observation, but an army in the field for war ? It is an army whose name is known, and whose character is defined, and which is incident to war alone. It is to watch the enemy ! and can never be made to watch a friend ! Friends cannot be watched by armed men, either individually or nationally, without open enmity. Let an armed man take a position before your door, show himself to your family, watch your movements, and remonstrate with you, and report upon you, if he judged your movements equivocal ; let him do this, and what is it but an act of hostility and of outrage which every feeling of the heart, and every law of God and man, require you to resent and repulse ? This would be the case with a mere individual ; still more with nations, and when squadrons and armies are the watchers and remonstrants. Let Great Britain send an army and navy to lie in wait upon our frontiers, and before our cities, and then see what a cry of war would be raised in our country. The same of Mexico. She must feel our treaties broken ; all our citizens within her dominions alien enemies ; their commerce to be instantly ruined, and themselves expelled from the country. This must be our condition, unless the Senate (or Congress) saves the country. We are at war with Mexico now ; and the message which covers the marching and sailing orders is still more extraordinary than they. The message assumes the Republic of Texas to be part of the American Union by the mere signature of the treaty, and to remain so until the treaty is rejected, if rejected at all ; and in the mean time, the President is to use the army and the navy to protect the acquired country from invasion, like any part of the existing Union, and to treat as hostile all adverse possessors or intruders. According to this, besides what may happen at Vera Cruz, Tampico, Metamoras, and other ports, and besides what may happen on the frontiers of Texas proper, the Mexican population in New Mexico, and Governor Armijo, or in his absence the Governor ad interim, Don Mariana Chaves, may find themselves pursued as rebels and traitors to the United States ! But let us read the message—let the extract which I have taken speak for itself :

" At the same time it is due to myself that I

should declare it as my opinion that the United States having, by the treaty of annexation, acquired a title to Texas which requires only the action of the Senate to perfect it, no other power could be permitted to invade, and by force of arms to possess itself of, any portion of the territory of Texas pending your deliberations upon the treaty, without placing itself in a hostile attitude to the United States, and justifying the employment of any military means at our disposal to drive back the invasion."

Nothing remains to be said on this pregnant document. It goes beyond anything my imagination had conceived. I had drawn a resolution, the second of the three now before the Senate, declaring it beyond the power of the President and Senate together to make war ; I denied their joint right to do this by a treaty duly ratified ; but here it is to be done, in fact is done, by a treaty only signed, and not even communicated to the Senate, and this war to continue until the Senate rejects the treaty ! To add to all this madness, (if there can be any addition to it,) the treaty was withheld from the Senate for a week after it was concluded, and then a promise was sought and obtained by our Secretary of State from our chairman of Foreign Relations (Mr. Archer) not to let this treaty be taken up in the Senate until forty days after it was communicated to the Senate. The chairman gave the promise, the Senate refused to confirm it ; and thus we have got a knowledge of the existing state of things. Without taking up the treaty we should have known nothing of this army and navy of observation—nothing of these sailing and marching orders—nothing of this communication of our troops with President Houston—nothing of the President's assumption that the Republic of Texas was already in the Union, and would be defended and protected as a part of the Union until the treaty should be rejected by the Senate. If the forty days promise had been kept, nothing of all this would have been known ; for it was only by taking up the treaty, and going to work upon it, that we began to find out what was done ; and then, by a special call, obtained a knowledge of all these extraordinary things. Another call of great moment has been made, and not yet answered ; and that is, to know what amount, and by virtue of what law the money is taken from the Treasury which has set these war movements on foot.

My second resolution refers to the constitutionality of this war, thus adopted by the treaty-making power. It declares that the President and Senate (for I had no idea that the President was going to do it alone) cannot make war, either by declaration or adoption ; and this proposition is so obvious that its denial or discussion would seem to be equally impossible. The war-making power is given to Congress ; the treaty-making power must act within its own limits, and cannot usurp the legislative power. Under popular governments, the question of war goes to the representatives of those who are to pay the taxes and fight the battles, and bear the brunt of the contest. Under monarchical governments, the King declares war.

Our form of government is popular; the representatives of the people have the war-making power in their hands, and cannot suffer it to be usurped by the President and Senate. But argument on such a question is impossible. I leave the resolution to stand upon its statement, and shall be willing to take the vote upon it without the addition of another word. The President has already made the war; if we ratify the treaty we join him in it, and take the responsibility off his hands.

Ratification will be war by the President and Senate; and unless the Senate is ripe for this war, it must reject the treaty. And what a war! Unjust in itself—upon a peaceable neighbor—in violation of treaties and of pledged neutrality—in violation of the armistice—to the instant and sudden ruin of commerce—unconstitutionally made—and, as I shall show, upon a weak and groundless pretext.

I know that some persons look upon this act in a more mitigated sense—as being only a cause of war, and that Mexico, being a feeble power, will not venture to declare it. This would be bad enough, if true. It would be bad enough, both in morals and in policy, to give cause of war to an unoffending neighbor, with whom we have a great commerce, and to rely upon her weakness to enable us to do this wrong with impunity. But it is not so; it is not correct. The ratification of the treaty would be actual war—not cause of war; it would be war itself; and there could be no peace between the countries until made by a treaty between the United States and Mexico. All existing treaties would be abrogated.

As a consequence of the ratification of this treaty, and this adoption of the Texian war, its conduct and conclusion will devolve upon the Government of the United States. From the moment of its admission Texas becomes a part of our Union, owing us allegiance and obedience to our laws, we owing it protection and support. No Texian authority can, from that moment, treat or fight with Mexico; war or negotiation is no longer prerogative, but ours; and every citizen of Texas that should attempt, under the authority of that State, to open negotiations with, or to carry on military operations against Mexico, would be subject to fine and imprisonment under our laws. Every such movement would be an offence against the United States. The political penal code of the United States defines these offences, and prescribes their punishment; and the Constitution of the United States put the whole conduct of war and conclusion of peace in the hands of the Federal Government. The conduct and conclusion of the Texian war, then, devolves upon the United States; the instant the treaty of annexation shall be ratified; and this, in fact, is shown to have been the intention of its negotiators. They are for war, and have made it. The President understands the reciprocal obligations of Texian allegiance to us, and United States protection to Texas, to have accrued from the instant the treaty was signed, and acted upon that belief in his belligerent movements. He goes beyond the conception of my resolution, and does

alone what I only contemplated from the joint action of the President and Senate united. The resolution may need amendment, or may be followed by another adapted to this new act, so suddenly developed in the Texas drama, and under the influence, as it would seem, of some new phasis in the ever-varying face of the fickle moon.

The war with Mexico, and its unconstitutionality, is fully shown; its injustice remains to be exhibited, and that is an easy task. What is done in violation of treaties, in violation of neutrality, in violation of an armistice, must be unjust. All this occurs in this case, and a great deal more. Mexico is our neighbor. We are at peace with her. Social, commercial, and diplomatic relations subsist between us; and the interest of the two nations requires these relations to continue. We want a country which was once ours, but which, by treaty, we have acknowledged to be hers. That country has revolted. Thus far it has made good its revolt, and not a doubt rests upon my mind that she will make it good forever. But the contest is not over. An armistice, duly proclaimed, and not revoked, strictly observed by each in not firing a gun, though inoperative thus far in the appointment of commissioners to treat for peace; this armistice, only determinable upon notice, suspends the war. Two thousand miles of Texian frontier is held in the hands of Mexico, and all attempts to conquer that frontier have signally failed; witness the disastrous expeditions to Mier and to Santa Fe. We acknowledge the right—the moral and political right—of Mexico to resubjugate this province if she can. We declare our neutrality; we profess friendship; we proclaim our respect for Mexico. In the midst of all this we make a treaty with Texas for transferring herself to the United States, and that without saying a word to Mexico, while receiving notice from her that such transfer would be war. Mexico is treated as a nullity; and the province she is endeavoring to reconquer is suddenly, by the magic of a treaty signature, changed into United States domain. We want the country; but instead of applying to Mexico, and obtaining her consent to purchase, or waiting a few months for the events which would supersede the necessity of Mexican consent—instead of this plain and direct course, a secret negotiation was entered into with Texas, in total contempt of the acknowledged rights of Mexico, and without saying a word to her until all was over. Then a messenger is dispatched in furious haste to this same Mexico, the bearer of volunteer apologies, of deprecatory excuses, and an offer of some millions of dollars for Mexican acquiescence in what Texas has done. Forty days are allowed for the return of the messenger; and the question is, will he bring back the consent? That question is answered in the Mexican official notice of war, if the treaty of annexation was made; and it is answered in the fact of not applying to her for her consent before the treaty was made. The wrong to Mexico is confessed in the fact of sending this messenger, and in the terms of the letter of which he was the bearer. That letter of Mr. Secretary Calhoun, of

the 19th of April, to Mr. Benjamin Green, the United States Charge in Mexico, is the most unfortunate in the annals of human diplomacy!

By the fairest implications, it admits insults and injury to Mexico, and violation of her territorial boundaries! It admits that we should have had her previous consent—should have had her concurrence—that we have injured her as little as possible, and that we did this in full view of all possible consequences; that is to say, in full view of war! in plain English, that we have wronged her, and will fight her for it. As an excuse for all this, the imaginary designs of a third Power, which designs are four times solemnly disavowed, are brought forward as a justification of our conduct; and an incomprehensible terror of immediate destruction is alleged as the cause of not applying to her for her “previous consent” during the eight months that the negotiation continued, and during the whole of which time we had a minister in Mexico, and Mexico had a minister in Washington. This letter is surely the most unfortunate in the history of human diplomacy. It admits the wrong, and tenders war. It is a confession throughout, by the fairest implication, of injustice to Mexico. It is a confession that her “concurrence” and her “previous consent” were necessary. The words of the letter fairly confess this; and the act of sending it, with the apologies it contains, and the offered *douceur* to Mexico, all corroborate the implications of a phraseology intended to conceal what is palpably admitted. After this, no more is wanted. Other proofs, in abundance, are at hand to show the injustice of this war; but, after this letter of the Secretary negotiator, what more is wanting? Let any mind, capable of analyzing language, recur to this letter of the 29th of April, and he will find this Mexican war, which our President has waged, to be as unjust in its cause as it is unconstitutional in its form.

It is now my purpose, Mr. President, to show that all this movement, which is involving such great and serious consequences, and drawing upon us the eyes of the civilized world, is buttoned upon a weak and groundless pretext, discreditable to our Government, and insulting and injurious to Great Britain. We want Texas—that is to say, the Texas of La Salle; and we want it for great national reasons, obvious as day, and permanent as nature. We want it because it is geographically appurtenant to our division of North America, essential to our political, commercial and social system, and because it would be detrimental and injurious to us to have it fall into the hands or sink under the domination of any foreign Power. For these reasons I was against sacrificing the country when it was thrown away—and thrown away by those who are now so suddenly possessed of a fury to get it back. For these reasons I am for getting it back whenever it can be done with peace and honor, or even at the price of just war against any intrusive European Power; but I am against all disguise and artifice—against all pretexts—and especially against weak and groundless pretexts, discreditable to ourselves, offensive to others, too

thin and shallow not to be seen through by every beholder, and merely invented to cover unworthy purposes. I am against the inventions which have been brought forward to justify the secret concoction of this treaty, and its sudden explosion upon us, like a ripened plot and a charged bomb, forty days before the conventional nomination of a Presidential candidate. In looking into this pretext I shall be governed by the evidence alone which I find upon the face of the papers, regretting that the resolution which I have laid upon the table for the examination of persons at the bar of the Senate has not yet been adopted. That resolution is in these words:

“Resolved, That the author of the ‘private letter’ from London, in the summer of 1843, (believed to be Mr. Duff Green,) addressed to the American Secretary of State, (Mr. Upshur,) and giving him the first intelligence of the (imputed) British anti-slavery designs upon Texas, and the contents of which ‘private letter’ were made the basis of the Secretary’s leading despatch of the 8th of August following to our Charge in Texas, for procuring the annexation of Texas to the United States, be summoned to appear at the bar of the Senate, to answer, on oath, to all questions in relation to the contents of said ‘private letter,’ and of all others in relation to the same subject; and also to answer all questions, so far as he shall be able, in relation to the origin and objects of the treaty for the annexation of Texas, and of all the designs, influences and interests which led to the formation thereof.

“Resolved, also, That the Senate will examine at its bar, or through committee, such other persons as shall be deemed proper, in relation to their knowledge of any or all of the foregoing points of inquiry.”

I hope, Mr. President, this resolution will be adopted. It is due to the gravity of the occasion that we should have facts and good evidence before us. We are engaged in a transaction which concerns the peace and honor of the country; and extracts from private letters, and letters themselves, with or without name, and, it may be, from mistaken or interested persons, are not the evidence on which we should proceed. Dr. Franklin was examined at the bar of the British House of Commons before the American war, and I see no reason why those who wish to inform the Senate, and others from whom the Senate could obtain information, should not be examined at our bar, or at that of the House, before the Senate or Congress engages in the Mexican war. It would be a curious incident in the Texas drama, if it should turn out to be a fact, that the whole annexation scheme was organized, before the reason for it was discovered, in London! and if, from the beginning, it was to be burst upon us, under a sudden and overwhelming sense of national destruction, exactly forty days before the national convention at Baltimore! I know nothing about these secrets; but being called upon to act, and to give a vote which may be big with momentous consequences, I have a right to know the truth, and shall continue to

ask for it, until fully obtained or finally denied. I know not what the proof will be, if the examination is had. I pretend to no private knowledge, but I have my impressions; and if they are erroneous, let them be effaced—if correct, let them be confirmed.

In the absence of the evidence which this responsible and satisfactory examination might furnish, I limit myself to the information which appears upon the face of the papers—imperfect, defective, disjointed, and fixed up for the occasion, as those papers evidently are. And here I must remark upon the absence of all the customary information which sheds light upon the origin, progress, and conclusion of treaties. No minutes of conferences—no protocols—no propositions, or counter-propositions—no inside view of the nascent and progressive negotiation. To supply all this omission, the Senate is driven to the tedious process of calling on the President, day by day, for some new piece of information; and the endless necessity for these calls—the manner in which they are answered, and the often delay in getting any answer at all—become new reasons for the adoption of my resolution, and for the examination of persons at the bar of the Senate.

The first piece of testimony I shall use in making good the position I have assumed, is the letter of Mr. Upshur, our Secretary of State to Mr. Murphy, our Charge in Texas, dated the 8th day of August, in the year 1843. It is the first one, so far as we are permitted to see, that begins the business of the Texas annexation; and has all the appearance of beginning it in the middle, so far as the United States are concerned, and upon grounds previously well considered; for this letter of the 8th of August, 1843, contains every reason on which the whole annexation movement has been defended or justified. And here I must repeat what I have already said: in quoting these letters of the Secretaries, I use the name of the writer to discriminate the writer, but not to impute it to him. The President is the author—the Secretary only his head clerk, writing by his command, and having no authority to write anything but as he commands. This important letter, the basis of all Texian “immediate” annexation, opens thus:

“Sir: A private letter from a citizen of Maryland, then in London, contains the following passage:

“I learn from a source entitled to the fullest confidence, that there is now here a Mr. Andrews, deputed by the abolitionists of Texas to negotiate with the British Government. That he has seen Lord Aberdeen, and submitted his project for the abolition of Slavery in Texas, which is, that there shall be organized a company in England, who shall advance a sum sufficient to pay for the slaves now in Texas, and receive in payment Texas lands; that the sum thus advanced shall be paid over as an indemnity for the abolition of slavery; and I am authorized by the Texian Minister to say to you that Lord Aberdeen has agreed that the British Government will guaranty the payment of the interest on this loan upon condition that the Texian Government will abolish slavery.”

“The writer professes to feel entire confidence in the accuracy of this information. He is a man of great intelligence, and well versed in public affairs. Hence I have every reason to confide in the correctness of his conclusions.”

The name of the writer is not given; but he is believed to be Mr. Duff Green.

The letter then goes on, through a dozen elaborate paragraphs, to give every reason for the annexation of Texas, founded on the apprehension of British views there, and the consequent danger to the slave property of the South, and other injuries to the United States, which have been so incontinently reproduced, and so tenaciously adhered to ever since. Some brief extracts from the opening of these paragraphs will give a full view of the whole cause for the sudden and secret annexation scheme, as exhibited by its friends then, and repeated by its friends now. Thus:

[Here Mr. B. introduced a quotation of considerable length from Mr. Upshur’s Letter—which, the letter itself having been very lately published in the various papers of the day, it is not thought necessary to insert here.]

Thus commenced the plan for the immediate annexation of Texas to the United States, as the only means of saving that country from British dominion, and from the anti-slavery schemes attributed to her by Mr. Duff Green. Unfortunately it was not deemed necessary to inquire into the truth of this gentleman’s information; and it was not until four months afterwards, and until after the most extraordinary efforts to secure annexation had been made by our Government, that it was discovered that the information given by Mr. Green was entirely mistaken and unfounded. The British Minister (the Earl of Aberdeen) and the Texian Charge in London, (Mr. Ashbel Smith,) both of whom were referred to by Mr. Green, being informed in the month of November of the use which had been made of their names, availed themselves of the first opportunity to contradict the whole story to our Minister, Mr. Everett.—This Minister immediately communicated these important contradictions to his (our) Government, and we find them in the official correspondence transmitted to us by Mr. Everett, under dates of the 3d and 16th of November, 1843. I quote first from that of the 3d of November. Mr. Everett says:

“I had an interview with Lord Aberdeen the first day of his return to town, having requested it while he was yet in the country. I had several matters to bring to his notice, as you will have seen from the preceding despatches forwarded by this steamer. Having disposed of them, I then, in obedience to your instruction, alluded to the agency which the British Government were supposed to be exercising to procure the abolition of slavery in Texas. Lord Aberdeen said he was glad I had mentioned this subject, for it was one on which he intended himself to make some observations. His attention had been called to some suggestions in the American papers in favor of the annexation of Texas to the Union, by way of counteracting the designs imputed to England; and he would say that, if this measure were undertaken on any such

grounds, it would be wholly without provocation. England had acknowledged the independence of Texas, and had treated, and would continue to treat her, as an independent Power. That England had long been pledged to encourage the abolition of the slave trade and of slavery, as far as her influence extended, and in every proper way, but had no wish to interfere in the internal concerns of foreign Governments. She gave her advice, where she thought it would be acceptable, in favor of the abolition of slavery, but nothing more. In reference to Texas, the suggestion that England had made or intended to make, the abolition of slavery the condition of any treaty arrangement with her, was wholly without foundation. It had never been alluded to in that connexion. General Hamilton, as commissioner from Texas, had proposed that England should make or guaranty a loan to Texas, to be used to aid her in obtaining from Mexico the recognition of her independence, and in other ways to promote the development of her resources; and he himself (Lord Aberdeen) had at first thought somewhat favorably of the proposition, considering Texas as a fine, promising country, which it would be good policy to help through her temporary embarrassments — But on mentioning the project to his colleagues, they deemed it wholly inexpedient, nor did he himself continue to give it countenance; nor was the loan, as proposed by General Hamilton, and at first favorably viewed by himself, in the slightest degree connected with the abolition of slavery as a condition or consequence. In the course of the last summer he had been waited upon, as he supposed I was aware at the time, by a deputation of American abolitionists, who were desirous of engaging the British Government in some such measure, (viz. of a loan connected with the abolition of slavery,) but that he had given them no countenance whatever; he had informed them that, by every proper means of influence, he would encourage the abolition of slavery, and that he had recommended the Mexican Government to interest itself in the matter; but he told them, at the outset, that he should consider himself bound in good faith to repeat everything that might pass between them to the Texian Charge d'Affaires."

I quote copiously, and with pleasure, Mr. President, from this report of Lord Aberdeen's conversation with Mr. Everett; it is frank and friendly, equally honorable to the minister as a man and a statesman, and worthy of the noble spirit of the great William Pitt. Nothing could dissipate more completely, and extinguish more utterly, the insidious designs imputed to Great Britain; nothing could be more satisfactory and complete, nothing more was wanting to acquit the British Government of all the alarming designs imputed to her. It was enough; but the Earl of Aberdeen, in the fulness of his desire to leave the American Government no ground for suspicion or complaint on this head, voluntarily returned to the topic a few days afterwards; and, on the 6th of November, again disclaims, in the strongest terms, the offensive designs imputed to his Government. Mr.

Everett thus relates, in his letter of the 16th of November, the substance of these renewed declarations:

"I had a long interview with Lord Aberdeen, at his request, on the 6th instant, principally in reference to the Oregon question, as you will have seen from another communication by this steamer. Before I left him, however, the conversation turned upon the subject of the abolition of slavery in Texas. I told him he must not be surprised at the interest taken in the subject in the United States, when he remembered that Texas and the United States were border countries, and the necessary effect of the abolition in Texas on slavery as existing in the Union. He replied that he felt the delicacy and importance of the subject, repeated the allusion made in the former interview to the state of public sentiment in England, and said that while it could not be expected of her Majesty's Government to hold a language or pursue a policy at variance with opinions which they shared with the whole country, yet he should certainly think it right not to give any just cause of complaint to the United States. As far as Texas was directly concerned, they had, as he had already informed me, made no proposition to her whatever. They had connected the subject of the abolition of slavery in Texas with a recommendation to Mexico to acknowledge her independence; but, as he told me before, Mexico had given the suggestion no encouragement, and it rested there."

Thus, twice in three days, the British Minister fully, formally, and in the broadest manner, contradicted the whole story upon the faith of which our President had commenced (so far as the papers show the commencement of it) his immediate annexation project as the only means of counteracting the dangerous designs of Great Britain! But this was not all. There was another witness in London who had been referred to by Mr. Duff Green; and it remained for this witness to confirm or contradict his story. This was the Texian Charge, (Mr. Ashbel Smith); and the same letter from Mr. Everett, of the 16th of November, brought his contradiction in unequivocal terms, Mr. Everett thus recites it:

"Sir: In my despatch No. 62, I acquainted you that I had addressed a private letter to Mr. Ashbel Smith, the Texian Charge d'Affaires, now at Paris, requesting from him such information as he might be able and willing to give me as to measures supposed to be in progress, on the part of this Government, to promote the abolition of slavery in Texas. I received a private letter from Mr. Smith, in reply, on the 6th instant. My letter to Mr. Smith, and his answer, were written under the impression that overtures on this subject might possibly have been made directly to the Texian Government. Such, however, you will have learned by my despatch, No. 62, is not the case—Lord Aberdeen having distinctly stated to me that he had not submitted, and did not intend to submit, any proposition to Texas on the subject.

"Mr Smith informs me that he was present at the interview which took place last June between

Lord Aberdeen and several persons, British subjects and others, a committee of the general anti-slavery convention, who waited upon him for the purpose of engaging the co-operation of the British Government to effect the abolition of slavery in Texas. On this occasion Lord Aberdeen assured the committee that her Majesty's Government would employ all legitimate means in their power to attain so desirable an object. One of the members of the committee afterwards informed Mr. Smith, at his lodgings, that, in their interview with Lord Aberdeen, his lordship made observations which warranted them in saying that the British Government would guaranty, if necessary, the interest of a loan which should be raised and applied to the abolition of slavery in Texas, but not of a Texian loan for any other purpose whatever. It appears, however, from the statements contained in my despatch No. 62, that the member of the committee who gave this information to Mr. Smith was in an error—Lord Aberdeen having assured me that the suggestion relative to a loan for this purpose had not received the slightest countenance from him. My written memorandum of the conversation in which this assurance was made having been submitted to Lord Aberdeen, there can be no room for misapprehension on my part. Lord Aberdeen has since repeated the same statement to me."

Such was the statement of Mr. Ashbel Smith! and the story of Mr. Duff Green, which had been made the basis of the whole scheme for immediate annexation, being now contradicted by two witnesses—the two which he himself had named—it might have been expected that some halt or pause would have taken place, to give an opportunity for consideration and reflection, and for consulting the American people, and endeavoring to procure the consent of Mexico. This might have been expected; but not so the fact. On the contrary, the immediate annexation was pressed more warmly than ever, and the Administration papers became more clamorous and incessant in their accusations of Great Britain. Seeing this, and being anxious (to use his own words) to put a stop to these misrepresentations, and to correct the errors of the American Government, the Earl of Aberdeen, in a formal despatch to Mr. Pakenham, the new British Minister at Washington, took the trouble of a third contradiction, and a most formal and impressive one, to all the evil designs in relation to Texas, and, through Texas, upon the United States, which were thus perseveringly attributed to this Government. This paper, destined to become a great landmark in this controversy, from the frankness and fulness of its disavowals, and from the manner in which detached phrases, picked out of it, have been used by our Secretary of State (Mr. Calhoun) since the treaty was signed, to justify its signature, deserves to be read in full, and to be made a corner-stone in the debate on this subject. I therefore quote it in full, and shall spread it at length in the body of my speech. This is it:

"No. 9.] FOREIGN OFFICE, Dec. 26, 1843.

"Sir: As much agitation appears to have pre-

vailed of late in the United States relative to the designs which Great Britain is supposed to entertain with regard to the republic of Texas, her Majesty's Government deem it expedient to take measures for stopping at once the misrepresentations which have been circulated, and the errors into which the Government of the United States seems to have fallen on the subject of the policy of Great Britain with respect to Texas. That policy is clear and simple, and may be stated in a few words.

"Great Britain has recognised the independence of Texas, and, having done so, she is desirous of seeing that independence finally and formally established, and generally recognised, especially by Mexico. But this desire does not arise from any motive of ambition or of self-interest, beyond that interest, at least, which attaches to the general extension of our commercial dealings with other countries.

"We are convinced that the recognition of Texas by Mexico must conduce to the benefit of both these countries, and, as we take an interest in the well-being of both, and in their steady advance in power and wealth, we have put ourselves forward in pressing the government of Mexico to acknowledge Texas as independent. But in thus acting we have no occult design, either with reference to any particular influence which we might seek to establish in Mexico or in Texas, or even with reference to the slavery which now exists, and which we desire to see abolished in Texas.

"With regard to the latter point, it must be and is well known both to the United States and to the whole world, that Great Britain desires, and is constantly exerting herself to procure, the general abolition of slavery throughout the world. But the means which she has adopted, and will continue to adopt for this humane and virtuous purpose, are open and undisguised. She will do nothing secretly or underhand. She desires that her motives may be generally understood, and her acts seen by all.

"With regard to Texas, we avow that we wish to see slavery abolished there, as elsewhere, and we should rejoice if the recognition of that country by the Mexican Government should be accompanied by an engagement on the part of Texas to abolish slavery eventually, and under proper conditions, throughout the republic. But although we earnestly desire and feel it to be our duty to promote such a consummation, we shall not interfere unduly, or with an improper assumption of authority, with either party, in order to insure the adoption of such a course. We shall counsel, but we shall not seek to compel, or unduly control, either party. So far as Great Britain is concerned, provided other States act with equal forbearance, those Governments will be fully at liberty to make their own unfettered arrangements with each other, both in regard to the abolition of slavery and to all other points.

"Great Britain, moreover, does not desire to establish in Texas, whether partially dependent on Mexico, or entirely independent, (which latter al-

ternative we consider in every respect preferable,) any dominant influence. She only desires to share her influence equally with all other nations. Her objects are purely commercial, and she has no thought or intention of seeking to act, directly or indirectly, in a political sense, on the United States through Texas.

“The British Government, as the United States well know, have never sought in any way to stir up disaffection or excitement of any kind in the slaveholding States of the American Union.—Much as we should wish to see those States placed on the firm and solid footing which we conscientiously believe is to be attained by general freedom alone, we have never, in our treatment of them, made any difference between the slaveholding and the free States of the Union. All are, in our eyes, entitled, as component members of the Union, to equal political respect, favor, and forbearance, on our part. To that wise and just policy we shall continue to adhere; and the governments of the slave-holding States may be assured that, although we shall not desist from those open and honest efforts which we have constantly made for procuring the abolition of slavery throughout the world, we shall neither openly nor secretly resort to any measures which can tend to disturb their internal tranquillity, or thereby to affect the prosperity of the American Union.

“You will communicate this despatch to the United States Secretary of State, and, if he should desire it, you will leave a copy of it with him.

“I am, &c., ABERDEEN.

“Right Hon. Richard Pakenham, &c.”

This was intended to stop the misrepresentations which were circulated, and to correct the errors of the Government in relation to Great Britain and Texas. It was a reiteration, and that for the third time, and voluntarily, of denial of all the alarming designs attributed to Great Britain, and by means of which a Texas agitation was getting up in the United States. Besides the full declarations made to our Federal Government, as head of the Union, a special assurance was given to the slaveholding States to quiet their apprehensions, the truth and sufficiency of which must be admitted by every person who cannot furnish proof to the contrary. I read this special assurance a second time, that its importance may be the more distinctly and deeply felt by every Senator:

“And the Governments of the slaveholding States may be assured that, although we shall not desist from those open and honest efforts which we have constantly made for procuring the abolition of slavery throughout the world, we shall neither openly nor secretly resort to any measures which can tend to disturb their internal tranquillity, or thereby to affect the prosperity of the American Union.”

It was on the 26th day of February, that this notable despatch was communicated to the (then) American Secretary of State. That gentleman lost his life by an awful catastrophe on the 28th, and it seems to be understood, and admitted all around, that the treaty of annexation was agreed upon and

virtually concluded before his death. Nothing, then, in Lord Aberdeen's declaration could have had any effect upon its formation or conclusion. Yet, six days after the actual signature of the treaty by the present Secretary of State—namely, on the 18th day of April—this identical despatch of Lord Aberdeen is seized upon, in a letter to Mr. Pakenham, to justify the formation of the treaty, and to prove the necessity for the immediate annexation of Texas to the United States, as a measure of self-defence, and as the only means of saving our Union! Listen to the two or three first paragraphs of that letter: it is the long one filled with those negro statistics of which Mr. Pakenham declines the controversy. The Secretary says:

WASHINGTON, April 18, 1844.

“The undersigned, Secretary of State of the United States, has laid before the President the note of the Right Hon. Mr. Pakenham, Envoy Extraordinary and Minister Plenipotentiary of her Britannic Majesty, addressed to this Department on the 26th of February last, together with the accompanying copy of a despatch of her Majesty's principal Secretary of State for Foreign Affairs to Mr. Pakenham. In reply, the undersigned is directed by the President to inform the Right Hon. Mr. Pakenham that, while he regards with pleasure the disavowal of Lord Aberdeen of any intention on the part of her Majesty's Government ‘to resort to any measure, either openly or secretly, which can tend to disturb the internal tranquillity of the slaveholding States, and thereby affect the tranquillity of this Union,’ he at the same time regards with deep concern the avowal, for the first time made to this Government, ‘that Great Britain desires and is constantly exerting herself to procure the general abolition of slavery throughout the world.’

“So long as Great Britain confined her policy to the abolition of slavery in her own possessions and colonies, no other country had a right to complain. It belonged to her exclusively to determine, according to her own views of policy, whether it should be done or not. But when she goes beyond, and avows it as her settled policy, and the object of her constant exertions, to abolish it throughout the world, she makes it the duty of all other countries, whose safety or prosperity may be endangered by her policy, to adopt such measures as they may deem necessary for their protection.

“It is with still deeper concern the President regards the avowal of Lord Aberdeen of the desire of Great Britain to see slavery abolished in Texas; and, as he infers, is endeavoring, through her diplomacy, to accomplish it, by making the abolition of slavery one of the conditions on which Mexico should acknowledge her independence. It has confirmed his previous impressions as to the policy of Great Britain in reference to Texas, and made it his duty to examine with much care and solicitude what would be its effects on the prosperity and safety of the United States should she succeed in her endeavors. The investigation has resulted in the settled conviction that it would be difficult for Texas, in her actual condition, to resist what she

desires, without supposing the influence and exertions of Great Britain would be extended beyond the limits assigned by Lord Aberdeen, and that, if Texas could not resist the consummation of the object of her desire, would endanger both the safety and prosperity of the Union. Under this conviction, it is felt to be the imperious duty of the Federal Government, the common representative and protector of the States of the Union, to adopt, in self-defence, the most effectual measures to defeat it."

It is evident, Mr. President, that the treaty was commenced, carried on, formed, and agreed upon, so far as the documents show its origin, in virtue of the information given in the private letter of Mr. Duff Green, contradicted as that was by the Texian and British Ministers, to whom it referred. It is evident, from all the papers, that this was the case. The attempt to find in Lord Aberdeen's letter a subsequent pretext for what had previously been done, is evidently an afterthought, put to paper, for the first time, just six days after the treaty had been signed! The treaty was signed on the 12th of April—the afterthought was committed to paper, in the form of a letter to Mr. Pakenham, on the 18th, and on the 19th the treaty was sent to the Senate, having been delayed seven days to admit of drawing up, and sending in along with it this *ex post facto* discovery of reasons to justify it. The letter of Mr. Calhoun was sent in with the treaty—the reply of Mr. Pakenham to it, though brief and prompt, being written on the same day, (the 19th of April,) was not received by the Senate until ten days thereafter, to wit, on the 29th of April; and when received, it turns out to be a fourth disavowal, in the most clear and unequivocal terms, of this new discovery of the old designs imputed to Great Britain, and which had been three times disavowed before. Here is the letter of Mr. Pakenham, giving this fourth contradiction to the old story, and appealing to the judgment of the civilized world for its opinion on the whole transaction. I read an extract from this letter—the last one, it is presumed, that Mr. Pakenham can write till he hears from his Government, to which he had immediately transmitted Mr. Calhoun's *ex post facto* letter of the 18th:

"It is not the purpose of the undersigned in the present communication to enter into discussion with Mr. Calhoun respecting the project thus formally announced on the part of the Government of the United States to annex Texas to the American Union; that duty will, if thought necessary, be fulfilled by higher authority; still less is the undersigned disposed to trespass on Mr. Calhoun's attention by offering any remarks upon the subject of slavery, as expounded in Mr. Calhoun's note.—That note will be transmitted to her Majesty's Government by the earliest opportunity; and, with this intimation, the undersigned would, for the present, content himself, were it not for the painful impression created on his mind by observing that the Government of the United States, so far from appreciating at their just value the explanations furnished by her Majesty's Government, in a spirit of

frankness and good faith well calculated to allay whatever anxiety this Government might have previously felt on the particular points to which those explanations have reference, appear to have found arguments in that communication in favor of the contemplated annexation of Texas; thus, as it were, assigning to the British Government some share in the responsibility of a transaction which can hardly fail to be viewed in many quarters with the most serious objection.

"All such responsibility, the undersigned begs leave, in the name of her Majesty's Government, at once and most positively to disclaim. Whatever may be the consequences of that transaction, the British Government will look forward without anxiety to the judgment which will thereon be passed by the civilized world, in as far as shall apply to any provocation furnished by England for the adoption of such a measure.

"With the political independence of Texas, not only has Great Britain disavowed all intention to interfere, but it is a well known fact, that her most zealous exertions have been directed towards the completion of that independence, by obtaining its acknowledgment at the hands of the only Power by which it was seriously disputed.

"Great Britain has also formally disclaimed the desire to establish in Texas any dominant influence; and, with respect to slavery, she is not conscious of having acted in a sense to cause just alarm to the United States."

Now what will the civilized world, to whose good opinion we must all look—what will christendom, now so averse to war, and pretexted war—what will the laws of reason and honor, so just in their application to the conduct of nations and individuals—what will this civilized world, this Christian world, these just laws—what will they all say that our Government ought to have done, under this accumulation of peremptory denials of all the causes which we had undertaken to find in the conduct of Great Britain for our "immediate" annexation of Texas, and war with Mexico? Surely these tribunals will say:

First. That the disavowals should have been received as sufficient; or,

Secondly. They should be disproved, if not admitted to be true: or,

Thirdly. That reasonable time should be allowed for looking further into their truth.

One of these things should have been done—our President does neither. He concludes the treaty—retains it a week—sends it to the Senate—and his Secretary of State obtains a promise from the chairman of the Committee on Foreign Relations (Mr. Archer) to delay all action upon it—not to take it up for forty days—the exact time that would cover the sitting of the Baltimore Democratic Convention for the nomination of Presidential candidates! This promise was obtained under the assurance that a special messenger had been despatched to Mexico for her consent to the treaty; and the forty days was the time claimed for the execution of his errand and at the end of which he was expected to return with the required

consent. Bad luck again! This despatch of the messenger, and delay for his return, and the reasons he was understood to be able to have offered for the consent of Mexico, were felt by all as an admission that the consent of Mexico must be obtained, cost what millions it might. This admission was fatal; and it became necessary to take another tack, and do it away! This was attempted in a subsequent message of the President, admitting, to be sure, that the messenger was sent, and sent to operate upon Mexico in relation to the treaty, but taking a fine distinction between obtaining her consent to it, and preventing her from being angry at it! This message will receive justice at the hands of others—I only heard it as read, and cannot quote it in its own words. But the substance of it was, that the messenger was sent to prevent Mexico from going to war with us on account of the treaty; as if there was any difference between getting her to consent to the treaty, and getting her not to dissent! But, here again, more bad luck. Besides the declarations of the chairman of Foreign Relations, showing what this messenger was sent for, there is a copy of a letter furnished to us of which he was the bearer, and which shows that the “concurrency” of Mexico was wanted, and that apologies are offered for not obtaining her “previous consent.” But, of this hereafter. I go on with the current of events.—The treaty was sent in, and forty days silence upon it was demanded of the Senate. Now why send it in, if the Senate was not to touch it for forty days? Why not retain it in the Department of State until the lapse of these forty days, when the answer from Mexico would have been received, and a fifth disavowal arrived from Great Britain! If, indeed, it is possible for her to reiterate a disavowal already four times made and not received? Why not retain the treaty during these forty days of required silence upon it in the Senate, and when that precious time might have been turned to such valuable account in interchanging friendly explanations with Great Britain and Mexico? Why not keep the treaty in the Secretary of State’s office, as well as in the Secretary of the Senate’s office, during these forty days? Precisely because the Baltimore Convention was to sit in thirty-eight days from that time! and forty days would give time for the “Texas bomb” to burst and scatter its fragments all over the Union, blowing up candidates for the Presidency, blowing up the tongue-tied Senate itself for not ratifying the treaty and furnishing a new Texas candidate, anointed with gunpowder, for the Presidential chair. This was the reason, and as obvious as if written at the head of every public document. In the meantime, all these movements give fresh reason for an examination of persons at the bar of the Senate. The determination of the President to conclude the treaty before the Earl of Aberdeen’s despatch was known to him—that is to say, before the 26th of February, 1844—the true nature of the messenger’s errand to Mexico, and many other points, now involved in obscurity, may be cleared up in these examinations, to the benefit and well-being of the Union.—

Perhaps it may chance to turn out in proof, that the Secretary who found his reasons for making the treaty and hastening the immediate annexation, had determined upon all that long before he heard of Lord Aberdeen’s letter.

But to go on. Instead of admitting, disproving, or taking time to consider the reiterated disavowals of the British Government, the messenger to Mexico is charged with our manifesto of war against that Government, on account of the imputed designs of Great Britain, and in which they all assumed to be true! and not only true, but fraught with sudden, irresistible, and irretrievable ruin to the United States, that there was no time for an instant of delay, nor any way to save the Union from destruction but by the “immediate” annexation of Texas. Here is the letter. It is too important to be abridged; and though referred to several times, will now be read in full. Here it is:

[The letter thus referred to by Mr. B. having also been very lately inserted in the newspapers of the day, it is not thought necessary, highly important though it is admitted to be, to re-insert here.]

This letter was addressed to Mr. Benjamin Green, the son of Mr. Duff Green; so that the beginning and the ending of this “immediate” annexation scheme, so far as the invention of the pretext and the inculcation of Great Britain is concerned, is in the hands of father and son. The letter itself is one of the most unfortunate, that the annals of diplomacy ever exhibited. It admits the wrong to Mexico, and offers to fight her for that wrong, and not for any thing that she has done to the United States, but because of some supposed operation of Great Britain upon Texas. Was there ever such a comedy of errors, or, it may be, tragedy of crimes! Let us analyze this important letter; let us examine it paragraph by paragraph.

The first paragraph enjoins the strongest assurances to be given to Mexico of our indisposition to wound the dignity or honor of Mexico in making this territory, and of our regret if she should consider it otherwise. This admits that we have done something to outrage Mexico, and that we owe her a volunteer apology to soften her anticipated resentment.

The same paragraph states that we have been driven to this step in self-defence, and to counteract the “policy adopted” and the “efforts made” by Great Britain to abolish slavery in Texas. This is an admission that we have done what may be offensive and injurious to Mexico, not on account of anything she has done to us, but for what we fear Great Britain may do to Texas.

The same paragraph admits that the United States has made this treaty in full view of war with Mexico; for the words “all possible consequences,” taken in connexion with the remaining words of the sentence, and with General Almonte’s notice, filed by order of his Government at the commencement of this negotiation, can mean nothing else but war, and that to be made by the treaty-making power.

The second paragraph directs the despatch of Lord Aberdeen to be read to the Mexican Secretary of State, to show him our cause of complaint against Great Britain. This despatch is to be read—not delivered, not even a copy of it—to the Mexican Minister. He may take notes of it during the reading, but not receive a copy, because it is a document to be sent to the Senate! Surely the Senate would have pardoned a departure from etiquette in a case where war was impending, and where the object was to convince the nation we were going to fight, that we had a right to fight her for fear of something which a third Power might do to a fourth. To crown this scene, the reading is to be of a document in the English language, to a Minister whose language is Spanish, and who may not know what is read except through an interpreter.

The third paragraph of this pregnant letter admits that questions are to grow out of this treaty, for the settlement of which a Minister will be sent by us to Mexico. This is a most grave admission. It is a confession that we commit such wrong upon Mexico by this treaty, that it will take another treaty to redress it; and that, as the wrong doer, we will volunteer an embassy to atone for our misconduct. Boundary is named as one of those things to be settled, and with reason; for we violate 2,000 miles of Mexican boundary which is to become ours by the ratification of this treaty, and to remain ours till restored to its proper owner by another treaty. Is this right? Is it sound in morals? Is it safe in policy? Would we take 2,000 miles of the Canadas in the same way? I presume not. And why not? Because Great Britain is powerful, and Mexico weak—a reason which may fail in policy as much as in morals. Yes, sir!—Boundary will have to be adjusted, and that of the Rio Grande; and until adjusted, we should be aggressors, by our own admission, on the undisputed Mexican territory on the Rio Grande.

The last paragraph is the most significant of the whole. It is a confession, by the clearest inferences, that our whole conduct to Mexico has been tortuous and wrongful, and that she has “rights,” to the settlement of which Mexico must be a party. The great admissions are, the want of the concurrence of Mexico: the want of her previous consent to this treaty; its objectionableness to her; the violation of her boundary; the “rights” of each, and of course the right of Mexico to settle questions of security and interest which are unsettled by the present treaty. The result of the whole is, that the war, in full view of which the treaty was made, was an unjust war upon Mexico.

Thus admitting our wrong in injuring Mexico, in not obtaining her concurrence; in not securing her previous consent; in violating her boundary; in proceeding without her in a case where her rights, security, and interests are concerned; admitting all this, what is the reason given to Mexico for treating her with the contempt of a total neglect in all this affair? And here strange scenes rise up before us. This negotiation began, upon the record, in August last. We had a Minister in Mexico with whom we could communicate every twenty days. Mexico had a Minister here with

whom we could communicate every hour in the day. Then why not consult Mexico before the treaty? Why not speak to her during these eight months, when in such hot haste to consult her afterwards, and so anxious to stop our action on the treaty till she was heard from, and so ready to volunteer millions to propitiate her wrath, or to conciliate her consent? Why this haste after the treaty, when there was so much time before? It was because the plan required the “bomb” to be kept back till forty days before the Baltimore Convention, and then a storm to be excited.

The reason given for this great haste after so long delay is, that the safety of the United States was at stake; that the British would abolish slavery in Texas, and then in the United States, and so destroy the Union. Giving to this imputed design, for the sake of the argument, all the credit due to an uncontradicted scheme, and still it is a preposterous excuse for not obtaining the previous consent of Mexico. It turns upon the idea that this abolition of slavery in Texas is to be sudden, irresistible, ir retrievable! and that not a minute was to be lost in averting the impending ruin!—But this is not the case. Admitting what is charged—that Great Britain has adopted a policy, and made efforts to abolish slavery in Texas, with a view to its abolition in the United States—yet this is not to be done by force or magic. The Duke of Wellington is not to land at the head of some 100,000 men to set the slaves free. No gunpowder plot, like that intended by Guy Fawkes, is to blow the slaves out of the country. No magic wand is to be waved over the land, and to convert it into the home of the free. No slips of magic carpet in the Arabian Nights is to be slipped under the feet of the negroes to send them all whizzing, by a wish, ten thousand miles through the air.—None of these sudden, irresistible, ir retrievable modes of operating is to be followed by Great Britain. She wishes to see slavery abolished in Texas as elsewhere; but this wish, like all other human wishes, is wholly inoperative without works to back it: and these Great Britain denies. She denies that she will operate by works; only by words where acceptable. But admit it. Admit that she has now done what she never did before—denied her design! admit all this, and you still have to confess that she is a human power, and has to work by human means, and in this case to operate upon the minds of people and of nations—upon Mexico, Texas, the United States, and slaves within the boundaries of these two latter countries. She has to work by moral means; that is to say, by operating on the mind and will. All this is a work of time—a work of years—the work of a generation. Slavery is in the Constitution of Texas, and in the hearts, customs, and interests of the people, and cannot be got out for many years, if at all. And are we to be told that there was no time to consult Mexico? or, in the vague language of the letter, that circumstances did not permit the consultation, and that without disclosing what these circumstances were? It was last August that the negotiation began. Was there fear that Mexico would liberate Texian slaves if she found out th

treaty before it was made? Alas, sir, she refused to have any thing to do with the scheme. Great Britain proposed to her to make emancipation of slaves the condition of acknowledging Texian independence. She utterly refused it; and of this our Government was officially informed by the Earl of Aberdeen. No, sir, no. There is no reason in the excuse. I profess to be a man that can understand reason, and could comprehend the force of the circumstances which would show that the danger of delay was so imminent that nothing but immediate annexation could save the United States from destruction. But none such are named or can be named; and the true reason is, that the Baltimore Convention was to sit on the 27th of May.

Great Britain avows all she intends, and that—a wish—to see—slavery abolished in Texas; and she declares all the means which she means to use, and that is, advice where it is acceptable.

It will be a strange spectacle, in the nineteenth century, to behold the United States at war with Mexico, because Great Britain wishes—to see—the abolition of slavery in Texas.

So far from being a just cause of war, I hold that the expression of such a wish is not even censurable by us, since our naval alliance with Great Britain for the suppression of the slave trade; since our diplomatic alliance with her to close the markets of the world against the slave-trade, and since the large effusion of mawkish sentimentality on the subject of slavery, in which our advocates of the aforesaid diplomatic and naval alliance indulged themselves at the time of its negotiation and conclusion. Since that time, I think we have lost the right (if we ever possessed it) of fighting Mexico because Great Britain says she wishes—to see—slavery abolished in Texas, as elsewhere throughout the world.

The civilized world judges the causes of war, and discriminates between motives and pretexts. The former are respected when true and valid; the latter are always despised and exposed. Every Christian nation owes it to itself, as well as to the family of Christian nations, to examine well its grounds of war before it begins one, and to hold itself in a condition to justify its acts in the eyes of God and man. Not satisfied of either the truth or validity of the cause for our war with Mexico, in the alleged interference of Great Britain in Texian affairs, I feel myself bound to oppose it, and not the less because it is deemed a small war.—Our Constitution knows no difference between wars. The declaration of all wars is given to Congress, not to the President and Senate, much less to the President alone. Besides, a war is an ungovernable monster, and there is no knowing into what proportions even a small one may expand, especially when the interference of one large power may lead to the interference of another.

Great Britain disavows (and that four times over) all the designs upon Texas attributed to her. She disavows every thing. I believe I am as jealous of the encroaching and domineering spirit of

that Power as any reasonable man ought to be; but these disavowals are enough for me. That Government is too proud to lie—too wise to criminate its future conduct by admitting the culpability which the disavowal implies. Its fault is on the other side of the account—in its arrogance in avowing, and even overstating, its pretensions. Copenhagen is her style. I repeat it, then, the disavowal of all design to interfere with Texian independence, or with the existence of slavery in Texas, is enough for me. I shall believe in it until I see it disproved by evidence, or otherwise falsified.—Would to God that our Administration could get the same disavowal in all the questions of real difference between the two countries. That we could get it in the case of the Oregon; the claim of search; the claim of visitation; the claim of impressment; the practice of liberating our fugitive and criminal slaves; the repetition of the Schlosser invasion of our territory and murder of our citizens; the outrage of the Comet, Encomium, Enterprise, and Hermosa cases.

And here, without regard to the truth or falsehood of this imputed designs of British intentions to abolish slavery in Texas, a very awkward circumstance crosses our path, in relation to its validity, if true; for it so happens that we did that very thing ourselves. By the Louisiana treaty of 1803, Texas and all the country between the Red river and Arkansas became ours, and was subject to slavery; by the treaty of 1819, made, as Mr. Adams assures us, by the majority of Mr. Monroe's cabinet, who were southern men, this Texas, and a hundred thousand square miles of other territory between the Red river and Arkansas, were dismembered from our Union, and added to Mexico, a non-slaveholding empire. By that treaty of 1819, slavery was actually abolished in all that region in which we now only fear, contrary to the evidence, that there is a design to abolish it; and the confines of a non-slaveholding empire were then actually brought to the boundaries of Louisiana, Arkansas, and Missouri—the exact places which we now so greatly fear to expose to the contact of a non-slaveholding dominion. All this I exposed at the time the treaty of 1819 was made, and pointed out as one of the follies, or crimes, of that unaccountable treaty; and now recur to it in my place here to absolve Mr. Adams, the negotiator of the treaty of 1819, from the blame which I then cast upon him. His responsible statement on the floor of the House of Representatives has absolved him from that blame, and transferred it to the shoulders of the majority of Mr. Monroe's cabinet. On seeing the report of his speech in the papers, I deemed it right to communicate with Mr. Adams, through a Senator from his State, now in my eye, and who hears what I say, (looking at Mr. Bates, of Massachusetts,) and through him received the confirmation of the reported speech, that he, (Mr. Adams) was the last of Mr. Monroe's cabinet to yield our true boundaries in that quarter. [Here Mr. Bates nodded assent.] Southern men deprived us of Texas, and made it non-slaveholding in 1819. They did a great mischief then; they should be

cautious not to err again in the manner of getting it back.

I have shown you, Mr. President, that the ratification of this treaty would be war with Mexico—that it would be unjust war, unconstitutionally made—and made upon a weak and groundless pretext. It is not my purpose to show for what object this war is made—why these marching and sailing orders have been given—and why our troops and ships, as squadrons and corps of observation, are now in the Gulf of Mexico, watching Mexican cities, or on the Red river, watching Mexican soldiers. I have not told the reasons for this war, and warlike movements, nor is it necessary to do so. The purpose of the whole is plain and obvious. It is in every body's mouth. It is in the air, and we can see and feel it. Mr. Tyler wants to be President, and different from the perfumed fop in Shakspeare, to whom the smell of gunpowder was so offensive, he not only wants to smell that compound, but also to smell of it. He wants an odor of the "villainous compound" upon him. He has become infected with the modern notion that gunpowder popularity is the passport to the Presidency, and he wants that passport. He wants to play Jackson; but let him have a care. From the sublime to the ridiculous there is but a step; and, in heroic imitations, there is no middle ground. The hero missed, and harlequin appears, and hisses salute the ears which were itching for applause. Jackson was no candidate for the Presidency when he acted the real, not the mock hero. He staked himself for his country—did nothing but what was just—and eschewed intrigue. His elevation to the Presidency was the act of his fellow-citizens—not the machination of himself.

Having finished what he had to say in the body of his speech, as an argument against the treaty for its intrinsic defects, Mr Benton proceeded to notice some of the extraneous matter which had been brought to its support, and upon which great reliance had been placed, as authority and influence was to supply the place of argument on this floor. At the head of this extraneous matter, so precociously used in this chamber before the discussion had opened, stand the letters and opinions of General Jackson in favor of recovering Texas, and the dismembered part of the Valley of the Mississippi, and which are assumed to be in favor of the ratification of this particular treaty. Concurring with General Jackson now, as I did so many years ago, in the necessity and importance of recovering the country sacrificed by the treaty of 1819, I cannot admit, from anything that I have yet seen, that he is in favor of this particular treaty. I assume the contrary, and rather suppose him to be against it, when seen and examined by him; and that upon data which I will exhibit to the Senate. The data is this: that in 1829, being the first year of his Presidency, General Jackson undertook to render the great service to his country of getting back our sacrificed territory; and, by instructions through Mr. Van Buren to our minister in Mexico, proposed to purchase back the whole, or any part of the dismembered territory

which could be obtained. That proposition of General Jackson did not go to the length of this treaty by two thousand miles. It stopped at the mountains which lie at the head of the Red river and the Arkansas—and which divided the ancient Louisiana from New Mexico—and in the desert prairies which lie to the east of Nueces. His proposition included no part of New Mexico, Chihuahua, Coahuila and Tamaulipas. It extended to no part of the river, or even of the valley, of the Rio del Norte. Not a drop of the water of that river, not an inch of the soil of its valley, did he propose to disrupt from its old possessor, and to incorporate into our Union. General Jackson was a wise man, and a just man, and he was assisted by another man, his Secretary of State, who was also wise and just. They meditated no such crime or folly as that of adding the left bank of the Rio del Norte, from head to mouth, to our Union. In seeking to recover the dismembered part of our own country, they did not undertake to dismember the empire of a neighbor. Like a general, he saw the natural frontier of his country in the ridge of mountains at the head of the Red river and Arkansas, and in the desert prairies which lie east of the Nueces; and, like a statesman, he was for limiting the domain of his country to this natural frontier. Leaving the whole valley of the Rio del Norte to the Mexicans, and taking the whole valley of the Mississippi to ourselves, he sought a line suitable to both parties, more than a hundred miles this side of the Rio Grande, and even east of the little river Nueces, a solitary frontier stream, connected with no system of rivers, and without a single geographical affinity, and falling into the Gulf of Mexico in a shallow and difficult part of its coast. This was his boundary, and no act of his life shows a more wise and enlightened forecast. A less sagacious head would have stood out for our ancient claim to the lower Rio del Norte; his judgment enabled him to see that that would be an encroachment upon the geographical divisions of Mexico—would bring the population of two great countries into contact and collision—give rise to disputes for the navigation of the river, and the possession of its mouth—and sow the seeds of eternal dissension in advancing a salient angle of one empire into the natural domain of another. His sagacious mind saw this; and waiving the question of old limits, he took those which the future peace and harmony of the two countries required, and left the whole extent of the Rio del Norte—every inch of its soil, and every drop of its waters, with all its towns and villages, and all its fields and flocks—to its ancient possessors, who had held it for centuries. In this he was seconded by Mr. Van Buren, his Secretary of State, and who, in his recent letter, has brought this great fact to light. I quote a paragraph from it:

"Having charge of the Department of State in 1829, I prepared, by direction of the President, instructions to our minister at Mexico, by which he was directed to open, without delay, a negotiation with the Mexican Government for the purchase of the greater part of the then province of Texas, and by which he was likewise authorized to insert in

the treaty a provision similar to that in the Louisiana and Florida treaties, for the incorporation of the inhabitants of Texas into the Union as soon as it could be done consistently with the principles of the Federal Constitution. The reasons in favor of this measure I stated at large in that document.

“In taking this step, the administration of President Jackson renewed (but, as was supposed, under more favorable circumstances,) an attempt to accomplish the same object which had been made by its immediate predecessor. Instructions similar in their general object had, in the second year of the latter administration, been sent from the Department of State to the same American minister at Mexico. I am not aware that there were any material differences between them, other than that those of 1825 proposed an acquisition of territory as far west as the Rio del Norte—being, I believe, the extreme boundary of Texas—whilst the cession asked for by President Jackson extended only as far west as the centre of the desert of Grand Prairie, which lies east of the river Nueces; and that for the former the payment of one million dollars was authorized; whilst by the administration of President Jackson the American minister was permitted to go as high as four, and, if indispensable, five millions. Both authorized agreements for smaller portions of territory: and the payments were modified accordingly. In respect to the proposed stipulation for the ultimate incorporation of the inhabitants into the Union, both instructions were identical.”

This brief paragraph from Mr. Van Buren's letter justifies all that I have said in relation to the boundary proposed by General Jackson in 1829.—It shows that he stopped at the mountains, and at the desert line of the Nueces; that he would not touch the Rio Grande, even at its mouth. Seeing and knowing this, and having always known it, (for I was contemporary with that transaction,) I cannot believe that General Jackson is now for Polish dismemberment of Mexico; for taking two thousand miles of territory from the weak and peaceable neighbor now, without asking her consent, from whom he would not even propose to buy it in 1829. I shall not believe any such thing of him until I see it under his own hand. I cannot, therefore, believe that he is in favor of this treaty, which, with insult and outrage, plunders Mexico of that which he would not even ask as a purchase from her. If it should be otherwise, it would still not govern my opinion; but written, as these letters evidently are without a knowledge of the treaty, I must be free to say that they do not weigh a feather on my mind in favor of its ratification.

But I am not done yet with this attempt of General Jackson to recover back our territory, so unaccountably thrown away in 1819. Mr. Van Buren says the instructions to our minister in Mexico, (and in that they correspond with those in Mr. Adams's time,) proposed to obtain any proportion of the sacrificed territory if the whole could not be got back. This was wise and considerate. There was a marked difference between different

parts of the dismembered territory—between Texas proper, lying south of the Red river, and the large district north of Red river, and up to the Arkansas, which never was a part of Texas, but an undisputed part of Louisiana, on which a great trade in furs and peltries had been carried on from St. Louis for about one hundred years; to wit, from about the year 1720 till the country was given away in 1819. This district comprised at least one hundred thousand square miles, whereon a great number of traders were conducting their business under licences from the United States superintendent of Indian affairs at St. Louis at the very moment of the unnatural and wicked dismemberment. Besides these traders, thus occupying this large district for a hundred years, a new trade had just sprung up between Missouri and New Mexico, in the track of which this district lay, and thus, what had been United States territory from the banks of the Arkansas up to the summit of the mountains, within a day's march of Taos, the frontier town, and the custom house town of New Mexico, instantly became foreign territory, taken from under our jurisdiction, and subject to none: for Mexico was too weak to govern the marauding Indians who roamed over it, and the banditti of white men who immediately resorted to it. This great district, thus taken from the government which could command it, and transferred to one that could not, became, from the instant, and has remained to the present time, and must remain till the United States recovers its possession, the domain of robbers and murderers, through which the merchants can only pass in armed caravans, prepared at every instant for battle, and often attacked and plundered by an army of Indians or organized bodies of white banditti. Detachments of United States troops have been often sent out to protect these caravans, but were stopped by a foreign boundary at the very point where protection became necessary. They were stopped at the Arkansas river; and the detachment which crossed that river last summer under Captain Cook, and disarmed an assemblage of brigands, assuming to be led by a Texian colonel, were subjected to the censure of invading foreign territory, and made the subject of complaint from the Texian government. The case of Snively is mentioned apologetically in the correspondence which accompanies the treaty. This district, so distinct from Texas, so long our occupied property, and so essential to the safety of our traders, the sagacity and justice of General Jackson endeavored to get back even without Texas, if Texas could not be got back with it. The instructions drawn by Mr. Van Buren, while urging the recovery of all the sacrificed country out to the Nueces, at the same time dwelt upon the necessity of recovering the region which lay in the rear of Missouri and Arkansas, and stretched across the trading route which led from Missouri to Santa Fe. The attempt to obtain any part of the country failed; but the mere attempt in General Jackson was meritorious, and in endeavoring to recover the wilderness domain between the Arkansas and Red river, if no

more could be obtained, he gave a signal proof of his considerate regard for the inhabitants of Missouri and Arkansas, and others who traded on that route.

The reasons in favor of the measure, (recovering Texas to the Nueces, and all the dismembered parts of the valley of the Mississippi up to the head springs of the Red river and Arkansas,) the reasons in favor of this measure I stated at large, says Mr. Van Buren, in that document; that is to say, in the letter of instruction to our Minister in Mexico, in 1829, to recover the country dismembered by the fatal treaty of 1819. Mr. Van Buren drew those instructions, and gave those reasons; and they place him in the list of the early, disinterested, and patriotic advocate for the recovery of Texas. No selfish or sinister design disfigured that noble state paper, or tainted its object or origin.—No intrigue for the Presidency—no stock jobbing—no land speculating—no invention of absurd and groundless pretexts to exasperate one half the Union against the other, and to insult a foreign Power: none of those degrading schemes and polluting motives then had a place in the Texas movement. All was open, fair, patriotic, and disinterested. I happen to know something about it; for as the first and earliest advocate for the recovery of Texas, I was deemed worthy to be a little consulted on the occasion: and, knowing what was intended, wrote the two essays of *Americanus*, and the nine essays of *La Salle*, to promote its success. Jackson, Van Buren, and the poor speaker who now addresses you, were then the Texas advocates—and where were those who now put themselves at the head of the Texas movement and denounce its old friends! Where were they when Jackson, Van Buren, and Benton, each in his sphere, were exerting themselves for the accomplishment of the great object? Where were they then? They were nowhere! nowhere in the great movement, either as leaders or followers! and stand obnoxious to the accusation of being indifferent or inimical to the great national measure of which they now constitute themselves the incontinent champions.

Another extrinsic consideration which has been pressed into the service of this treaty, is the oft-repeated cry of now or never, so incessantly resounded in our ears. This cry is founded upon the British plots in Texas, first revealed by Mr. Duff Green's private letter from London, and so incessantly propagated afterwards. The story has had an uncontradicted run for nine months: that is to say, from August, 1843, when it was received here, down to the day of the publication of the Texas documents. This only took place a few weeks ago; and then, for the first time, it was seen that the British Government, as soon as it heard of the ill designs attributed to it, immediately gave them no less than four, full, broad, direct, unqualified denials. It denied all design to interfere with slavery in Texas, or with slavery in the United States through Texas; all design to colonize Texas, or to make it a British dependency, or to acquire any dominant influence in Texas, or to have

any kind of connexion with her, except the fair and open trade and commerce which she has with all other nations. These denials, coming from a Government which never disavows its real designs, and whose style is to drive on any policy it has adopted with a high hand and a bold front—these denials, coming from such a Government, have completely annihilated the nine months' story, and left all who have had an opportunity of seeing them completely at rest with respect to British design on Texas. That "raw-head and bloody bones" has now ceased to play its part in the Texas drama: and we must look now for the danger, not in British designs upon Texas, but in Texian designs upon Great Britain. According to the new reading of the danger, Texas, repulsed by the United States, is to throw herself forthwith into the arms of Great Britain. This is a libel upon the people of Texas. They are not monarchists or British adherents, but republicans and Americans; and every feeling of their hearts, and every calculation of their interest, leads them as strongly to unite with the Americans as to hold back from the British. There is nothing British in Texas, and cannot be. A British party, if planted there, would perish in the first moment of its public discovery.

Another invention pressed in to the aid of this treaty is, the report that Santa Anna and the Mexican Government are secretly delighted at the annexation, and will rejoice in such a deliverance from a troublesome province. The cause, Mr. President, must need aid which can have recourse to an artifice so absurd and so short-lived. Is it not known that the Mexican Minister, when he heard of this negotiation, filed an official notification, by the command of his Government, that the ratification of the treaty of annexation would be war between the United States and Mexico? Is it not known that this Minister withdrew from our seat of Government, and ceased all diplomatic intercourse with us the instant the treaty was signed? Is it not known that a messenger has been sent to Mexico, bearer of a most deprecatory letter, to prevent Mexico from taking "a belligerent attitude to the United States;" and that, for fear of such attitude, detachments of our army have been ordered to the Mexican frontier by sea and land, to observe the enemy, to repel invasion, and to protect our citizens and their commerce? Is it not known that our President considers Texas ours by the mere fact of commissioners signing a treaty, to remain so till the rejection of the treaty, (if rejected;) and, in the mean time, as a consequence of this inchoate annexation, he has already assumed the burden of the Texian war with Mexico, and ordered our military and naval detachments to report to President Houston, and communicate with him? Are not these things known here? and, if so, is it not an impudent attempt at a public imposition to represent the Mexican Government as being delighted with the treaty? Why keep it a secret from them if they were pleased with it?—Why despatch a messenger, immediately after its signature, with that letter of volunteer apologies;

and, if report is true, with an offer of millions to prevent the "belligerent attitude," which the President in his message of the 14th instant shows that he now dreads! No, sir, this story of Mexican delight at the treaty has lived its hour and died out. It is now dead at this place, though it may be kept alive some days longer in remote and inaccessible parts of the Union. Mexico, from the beginning, has been treated with indignity. To say nothing of the enormity of accepting from the Texians two thousand miles of her old territory, to the conquest of which Texas has twice proved herself inadequate—I mean in the disastrous expeditions to Santa Fe and to Mier—to say nothing of this, the fact of keeping the whole negotiation a secret from Mexico until it was over, and then undertaking to pacify her with incomprehensible and absurd pretects of "self-defence," and "national safety," and "destruction" of our "Union," was of itself sufficient to wound her pride and exasperate her feelings; and so, in fact, it did. It so happens, Mr. President, that I have in my list of newspapers one in the Spanish language, published in New York, and addicted to Spanish affairs.—Its title is sufficiently comprehensive, *Noticioso de Ambos Mundos*; which signifies, *Intelligencer of the two Worlds*. This paper is very full in all that relates to the Spanish race in Europe and America; and since the commencement of the Texas negotiation has been particularly full of all that relates to that subject. I will read some passages, from which you will see in what sense Mexico understands our proceedings.

[Here Mr. B. read off in English several passages from the paper, showing that the Mexicans considered the secret negotiation of the treaty as an indignity to them, and its ratification as war made on Mexico by assuming the Texian war; and that, thus insulted and pressed upon, she must fight, and that without considering the difference between the power of the two countries.]

This, Mr. President, (resumed Mr. B., is rather better evidence of Mexican feeling in relation to this treaty than the stories which are propagated from this place to cover up the conduct of those whose electioneering intrigue, calculated for the meridian of the Baltimore Convention, has got us into a scrape in which we have warred on Mexico, deceived Texas, insulted Great Britain, astonished the civilized world, and disgraced ourselves. The pretext invented by these intriguers deludes nobody. The sudden ruin of this confederacy, by the sudden extinction of slavery in Texas, only to be averted by the sudden annexation of Texas, is an incomprehensibility which creates no alarm.—That negro hallucination is too subtle and ethereal for use. It is too necromantic, or negromantic for the nineteenth century.

No, sir, the Mexicans are not delighted at this treaty, at the same time, it is perfectly well known, ever since the battle of San Jacinto, that every wise man in Mexico sees the issue of the contest, and that permanent security is inevitable. The separation in legal form is to come; and it is only a question of when and how, and that is much more a question of pride than of interest with

the Mexican people. The United States, by treating a proud people, and not the less proud because they are weak, with proper respect, would have acquired Texas in a short time just as naturally, and as easily, as the ripened pear falls to the earth.

Eight years ago, and at the time of acknowledging the independence of Texas, I took occasion to examine this question of eventual separation between Mexico and Texas, and showed it to be the inevitable effect of natural and moral causes. This is what I then said:

"Even without the armistice, and provisional treaty with Santa Anna, I look upon the separation of the two countries as being in the fixed order of events, and absolutely certain to take place.—Texas and Mexico are not formed for union. They are not homogeneous. I speak of Texas as known to La Salle, the bay of St. Bernard, (Matagorda,) and the waters which belong to it, being the western boundary. They do not belong to the same divisions of country, nor to the same systems of commerce, nor to the same pursuits of business. They have no affinities—no attractions—no tendencies to coalesce. In the course of centuries, and while Mexico has extended her settlements infinitely further in other directions—to the head of the Rio Grande in the north, and to the mouth of the San Francisco in the northwest—yet no settlement had been extended east, along the neighboring coast of the Gulf of Mexico. The rich and deep cotton and sugar lands of Texas, though at the very door of Mexico, yet requiring the application of a laborious industry to make them productive, have presented no temptation to the mining and pastoral population of that empire. For ages this beautiful agricultural and planting region has lain untouched. Within a few years, and by another race, its settlement has begun, and the presence of this race has not smoothed, but increased the obstacles to union presented by nature. Sooner or later separation would be inevitable; and the progress of human events has accelerated the operation of natural causes. Goliad has torn Texas from Mexico; Goliad has decreed independence; San Jacinto has sealed it! What the massacre decreed, the victory has sealed; and the day of the martyrdom of the prisoners must forever be regarded as the day of disunion between Texas and Mexico."

These are the causes, permanent as nature, obvious as day, which assure the disunion of Texas and Mexico, and govern the absolute return of the former to us. We had nothing to do but to be civil and just, and the overtures made by General Jackson fifteen years ago, for the reasons then given by Mr. Van Buren, would have been successful. But the "Texas bomb" had to be exploded precisely forty days before the meeting of the Baltimore Convention! and to that necessity were sacrificed the honor, the interest, and the peace of the country, add the recovery of Texas itself.

The return of Texas to our union, and all the dismembered territory of 1819 along with it, is as certain as that the Red river and the Arkansas rise within our natural limits and flow into the Missis-

issippi. I wish to get it back, and to get it with peace and honor—at all events, without unjust war, unconstitutionally made, on weak and groundless pretexts. I wish it to come back without sacrificing our trade even with Mexico, so valuable to us on account of the large returns of specie which it gave us, especially before the commencement of the Texian revolution, the events of which have alienated Mexican feeling from us, and reduced our specie imports from eleven millions of dollars per annum to one million and a half. I wish it to come back in a way to give as little dissatisfaction to any part of the Union as possible; and I believe it is very practicable to get it back without a shock to any part. The difficulty now is in the aspect which has been put upon it as a sectional, political, and slave question; as a movement of the South against the North, and of the slave-holding States for political supremacy. This is as unfounded in the true nature of the question, as it is unwise and unfortunate in the design which prompted it. The question is more western than southern, and as much free as slave.

The territory to be recovered extends to the latitude of 38 deg. in its northeast corner, and to latitude 42 deg. in its northwest corner. One half of it will lie in the region not adapted to slave labor, and of course, when regained, will be formed into non-slaveholding States. So far as slavery is concerned, then, the question is neutralized; it is as much free as slave; and it is greatly to be regretted—regretted by all the friends of the Union—that a different aspect has been given to it. I am Southern by my birth; Southern in my affections, interest and connections, and shall abide the fate of the South in everything in which she has right upon her side. I am a slaveholder, and shall take the fate of other slaveholders in every aggression upon that species of property, and in every attempt to excite a San Domingo insurrection among us. I have my eyes wide open to that danger, and fixed on the laboratories of insurrection, both in Europe and America; but I must see a real case of danger before I take the alarm. I am against the cry of wolf, when there is no wolf. I will resist the intrusive efforts of those whom it does not concern to abolish slavery among us; but I shall not engage in schemes for its extension into regions where it was never known—into the valley of the Rio del Norte, for example, and along a river of two thousand miles in extent, where a slave's face never was seen.

A large movement is now going on for the annexation of Texns; and I, who have viewed this movement from the beginning, believe that I have analyzed it with a just and discriminating eye.—The great mass of it is disinterested, patriotic, reasonable, and moderate, and wishes to get back our lost territory as soon as it can be done with peace and honor. The large mass is passive, and had just as lief have Texas next year as this. A small part of this movement is interested, and is the active part, and is unreasonable and violent, and must have Texas during the present Presidential election, or never. For the former part—the

great mass—I feel great respect, and wish to give them reasons for my conduct; to the latter part it would be lost labor in me to offer reasons. Political and interested parties have no ears; they listen only to themselves, and run their course upon their own calculations. All that I shall say is, that the present movement, prostituted as it evidently is to selfish and sectional purposes, is injurious to the cause of annexation, and must end in delaying its consummation. But it will be delay only. Annexation is the natural and inevitable order of events, and will come; and when it comes, be it sooner or later, it will be for the national reasons stated in Mr. Van Buren's instructions of 1819, and in the rational manner indicated in his letter of 1844. It will come, because the country to be recovered is geographically appurtenant to our country, and politically, commercially, and socially connected with our people and with our institutions; and it will come, not in the shape of a secret treaty between two Presidents, but as a legislative as well as an executive measure—as the act of two nations, (the United States and Texas) —and with the consent of Mexico, if she is wise, or without her consent upon the lapse of her rights. The third resolution which I have submitted embodies my opinions, and I here read it for the illustration of my meaning, without dilating upon it. It is this:

“Resolved, That the country dismembered from the United States by the treaty of 1819 with Spain, comprehending Texas and a large territory between Red river and the Arkansas, and being geographically appurtenant to the United States, and essential to their political, commercial, and social system, ought to be reunited to the American Union as soon as it can be done with the consent of a majority of the people of the United States and of Texas, and when Mexico shall either consent to the same, or acknowledge the independence of Texas, or cease to prosecute the war against her [the armistice having expired] on a scale commensurate to the conquest of the country.”

Mr President, the Senate is in a grave and responsible position, and judgment and reason, not passion and interest, must govern our deliberations. It stands in the eye of the world and of posterity; and we must expect their scrutiny into our conduct: I never felt myself before called upon to act in circumstances so momentous, and where the peace and honor of my country were so much at stake. I have never before felt myself called upon to give a vote which I deem so important in the affairs of nations; and I pray to God to enable me so to give it, as to enable me to escape the condemnation of the wise and the good both now and hereafter. We have a treaty which has been so managed as to involve the interests or the feelings of four nations—Mexico, Texas, the United States, and Great Britain—and which must draw upon us the eyes of the civilized world, and of unborn generations; and this treaty, so momentous in its consequences, is thrust upon us in the crisis of a Presidential election, and without the information which the occasion requires, and which can give us an inside view of its origin and formation.

The letters, and fragments of letters, which supply the place of responsible protocols and intelligible minutes of conferences, have all the air of beginning in the middle, and clearly announce a fixed up case, in which an outside and a one-sided view is alone presented. We are in the dark, and our calls for information are often answered defectively, and sometimes with argumentative and extraneous matter, to counteract the effect of the information given. We hear of a messenger sent to Mexico upon an errand which admits the invalidity of the treaty. The chairman of the Committee on Foreign Relations (Mr. Archer) states that errand, by authority, on the floor of the Senate; it is to get the consent of Mexico to the treaty, and to delay the action of the Senate until the messenger returns. We all feel that this admits the invalidity of the treaty; we all feel that the treaty is knocked on the head by its authors! Three days afterwards, a message comes from the President to contradict that authoritative statement; and yet contradicts it in a way to admit its truth in the main, if not in the particular. And so, here is a strange puzzle on a vital point. We know that the Mexican minister has left our seat of government; but we are not informed whether he has ceased his diplomatic relations. We know that Lord Aberdeen's letter of the 26th of December, which furnishes, by violence committed upon it, the last pretext for the treaty, was received here long after the treaty was determined upon; and we have no explanation of an anachronism so grave and so rare in the annals of civilized diplomacy. We had heard that troops had marched and ships had sailed, but had no official notice of these war movements until obtained upon a call. We hear that money had been drawn from the treasury (it may be illegally) for these expeditions; but how much, is yet unknown. Above all, we hear that President Houston would not engage in the annexation treaty with President Tyler, until the said President Tyler had first engaged in a treaty of aid and comfort with him, by sending him a part of the army and navy of the United States contemporaneously with the signature of the annexation treaty, to resist an outbreak from Santa Anna, and a dreaded invasion of the Mexicans on hearing of the treaty. This preliminary little treaty, if true, explains the secret of our military and naval movement; but, at the same time, it leaves unexplained an act which has no parallel in legal governments, and which supposes the United States to be without a law, without a Constitution, without a Senate, and without a House of Representatives. The secret engagement, if there is one, to send or lend our army and navy in this way, can only be paralleled in the family compacts of Europe, where the monarch has all the issues of peace and war, and all the sinews of war, in his own hands, and uses the whole at his own pleasure for the support of a friend or brother. To get a pretext for this loan of the army and navy of the United States to a foreign power, a feat of insanity is performed, in assuming that the articles agreed upon by commissioners, and sent to us for advice and consent,

is a real treaty till rejected—whereas, it happens to be no treaty, nor to have the least force until ratified; and that by two Senates, and promulgated by two Presidents, and that upon the exchange of ratifications!

The Senate will pardon me, Mr. President, if I descend to some details, personal to myself, in the conclusion of this tedious discourse. I come from a state, which, of all others, is most interested in the recovery of Texas, and the dismembered territory. I am myself the oldest advocate for that recovery; yet it is presented in a way that compels me to oppose it. As far back as 1818, and before the treaty of 1819 was fully concluded, I implicated a woe upon the head of the statesman who should give that part of our country away. As far back as 1829 I invoked a blessing on the head of the President who should get it back. Here is what I said on such occasions:

“Thus far the correspondence on the part of Mr. Adams is, in our opinion, entitled to much approbation; but, in coming to answer the third condition of Don Luis's proposition, he departed from the character of an American statesman. He agreed to give up a part of the water that falls into the Mississippi—not, indeed, the whole that Don Luis had demanded, but enough to startle the people, who would as soon submit to the dismemberment of their own bodies as to the dismemberment of that noble stream. He agreed to give up the right bank of the Red river, from its source in the Rocky Mountains, down to the western boundary of the State of Louisiana—a distance of twelve or fifteen hundred miles! Fortunately, the concession was not accepted—Mr. Adams reclaimed his offer, and the people of the United States may indulge the hope that their feelings will never again be shocked by the like proposition. The magnificent valley of the Mississippi is theirs, with all its fountains, springs, and floods; and woe to the statesman who undertakes to surrender one drop of its water—one inch of its soil—to any foreign Power.”

This was the imprecation of the woe in 1819—the invocation of the blessing was in 1829, and is in the following words:

“The Western people have a claim from the laws of God and nature, to the exclusive possession of the entire valley of the Mississippi. The magnificent valley was, and it ought to be, theirs, in all its extent and circumference—to the head spring of every stream that drains it, the summit ridge of the mountains which enclose. It was, and ought to be, theirs, in all its borders and dimensions, with all its woods and groves, with all its fountains, springs, and floods. No foreign flag should wave over any part of it. Not an inch of its soil should be trod, not a drop of its water should be drunk, by any foreign Power. The American people alone should have it—and as execrations, loud and deep, pursue the negotiator who dismembered it—who despoiled this imperial valley of two of its noblest rivers and two hundred thousand square miles of its finest territory—so will benedictions, fervent and lasting, thicken

over the head, and crown the honor of the American President who shall restore it to its natural possessors and to its pristine integrity."

This is what I wrote twenty-five years and fifteen years ago; and (strange to see) the two men, one of whom was then giving away the country in Mr. Monroe's Cabinet, and the other sanctioning the gift in the House of Representatives, and both of whom were indifferent and silent when Mr. Adams and Mr. Clay in 1825, and Gen. Jackson and Mr. Van Buren in 1829, were endeavoring to get it back—those two gentlemen are now the champions of immediate recovery, and pursue, as enemies to the measure, all its consistent old friends who cannot join the new converts in their sudden, reckless, and monstrous course! Immediate recovery alone suits them. A year, a month would be too late. Forty days before the Baltimore Convention is the "witching time."

I am now, upon this subject, as upon most others, what I have always been—consistent and uniform. I want Texas; not the Texas of new dimensions, stretching from the head spring to the mouth of the Rio Grande, but the Texas of La Salle and of Jackson, with all the dismembered country between the Red river and the Arkansas. I want this Texas and this region, and mean to get it when I can without dishonor or unjust war. I want it for great national reasons, palpable as light, powerful as truth, and permanent as nature. I want it for such reasons as these; and I wash my hands of all weak and shallow pretexts, degrading to ourselves, and offensive to a government

with which we already have many causes of quarrel, in which we are in the right, and which we should not supersede by a new cause of quarrel, founded on a miserable pretext, and in which we are in the wrong. The reasons given in the correspondence, for this sudden immediate annexation—these reasons, in all their extent, from their alpha, in the private letter from London, to their omega, in the ex post facto discoveries in Lord Aberdeen's despatch, I look upon as miserable and contemptible, and rejoice to see every Senator turning his back upon them. Even those who support the treaty, repudiate the reasons on which it is founded.

In my own State, the sentiment of the people, I am well assured, is almost unanimous in favor of getting back the country lost by the treaty of 1819. I do not know that they are in favor of getting it on the terms which this treaty involves. If they were, and I knew it, I should resign my place; for I could neither violate their known wishes in voting against it, nor violate my own sense of constitutional and moral duty in voting for it. Twenty-four years I have sat in this chamber, and have had the gratification, all the time, and especially on many trying occasions, when I voted on my own convictions, to give satisfaction to my constituents. If it should be otherwise now, it would be a source of deep regret to me; but, with my opinions of this treaty, it is impossible for me to support it; and if the alternative should be the extinction of my political life, I should have to embrace it.

IN SENATE, Wednesday, June 12, 1844—On the President's appeal message.

On the motion of Mr. Benton, the bill to provide for the annexation of Texas to the United States, was taken up, and read a second time as follows:

Be it enacted, &c., That the President of the United States, be, and he hereby is, authorized and advised to open negotiations with Mexico and Texas for the adjustment of boundaries, and the annexation of the latter to the United States, on the following bases, to wit:

1. The boundary of the annexed territory to be in the desert prairie west of the Nueces, and along the highlands and mountain heights which divide the waters of the Mississippi from the waters of the Rio del Norte, and to latitude 42 degrees north.

2. The people of Texas, by a legislative act, or by any authentic act which shows the will of the majority, to express their assent to said annexation.

3. A State, to be called "The State of Texas," with boundaries fixed by herself, and an extent not exceeding that of the largest State in the Union, to be admitted into the Union, by virtue of this act, on an equal footing with the original States.

4. The remainder of the annexed territory to be held and disposed of by the United States as one of

their Territories, and to be called "the South-west Territory."

5. The existence of slavery to be forever prohibited in the northern and northwestern part of said Territory, west of the one hundredth degree of longitude west from Greenwich so as to divide as equally as may be the whole of the annexed country between slaveholding and non-slaveholding States.

6. The assent of Mexico to be obtained by treaty to such annexation and boundary, or to be dispensed with when the Congress of the United States may deem such assent to be unnecessary.

7. Other details of the annexation to be adjusted by treaty, so far as the same may come within the scope of the treaty-making power.

The bill having been read, Mr. B. said he deemed it his privilege and his duty to call the attention of the Senate to a very extraordinary proceeding, namely, an appeal by the President of the United States to the House of Representatives, against the decision of the Senate on the Texas treaty, and which had been made by a special message to the House on yesterday. He would read the introductory sentence of the message, to show the nature and object of this novel and unconstitutional appeal. He read:

"The treaty negotiated by the executive with the republic of Texas, without a departure from

any form of proceeding customarily observed in the negotiation of treaties, for the annexation of that republic to the United States, having been rejected by the Senate, and the subject having excited on the part of the people no ordinary degree of interest, I feel it to be my duty to communicate for your consideration the rejected treaty, together with all the correspondence and documents which have heretofore been submitted to the Senate in its executive session."

This, said Mr. B. shows the appeal, and its object. The rejected treaty, and the documents in support of it, are all communicated to the House of Representatives, and communicated for the evident purpose of bringing the House into collision with the Senate, inducing them to ratify the treaty which the Senate has rejected,* and producing an excitement among the people. The resolution attempted to be obtained from the House Committee on Foreign Relations, and known to be similar to the joint resolution introduced on this floor by a friend of the administration, are further proofs of this design, and place it beyond dispute. This is the evident design of the appeal, and which places it in the chapter of those nullification movements which have for their object the destruction of the constitution and of the Union. No such thing was ever done before, either in our own government, or any government of divided powers and co-ordinate parts. The Senate is the supreme constitutional judge for the confirmation or rejection of treaties, and from its decision no appeal lies to the House of Representatives. Right or wrong, its decision is final; and, when it has rejected a treaty; there is an end of it. The thing is dead, and is incapable of revival! yet the President has carried this dead article—this defunct instrument—into the House of Representatives, that they may give it effect and execution in spite of the Senate. He has in fact called upon the House to ratify a treaty which the constitutional ratifying power has rejected. This is an appeal from the Senate, and an insurrection against the constitution, and calling upon the House to do what they cannot, and what it is unconstitutional to attempt. The treaty is extinct! the paper which contained it is a blank! as much so as if a chemical process had extracted every word! for the rejection of the Senate is the extinction and annihilation of every word that it contains. A bundle of blank paper is, in the eyes of the constitution, sent to the House of Representatives, with a request that they will unconstitutionally insert what the Senate has constitutionally erased; and thus arraign and nullify a co-ordinate branch of the government. The Senate is a co-ordinate branch of the government, necessary to its balance in the eyes of our fathers, and

as independent as it is supreme within its legitimate sphere. The House can take no jurisdiction of a treaty until after it has received the advice and consent of the Senate to its ratification; after such ratification, if the treaty requires legislative aid to execute it, it is then communicated to the House; and, if the papers on which it was founded are called for, these also are furnished. This is the only constitutional way for the House to act on a treaty. But here a rejected treaty is communicated; all the papers are communicated at the same time, and this double communication, coupled with all the tone and tenor of the message, and the resolution offered in the Senate, and solicited in the House, show that its design is to excite the people and the House against the Senate—to get up an agitation—to nullify a co-ordinate part of the government—to enforce a defunct treaty—and to create mischief and confusion. A presidential election is approaching; and it consorts with a part of the original design of this treaty to keep it in view—to throw it into the arena, and call upon the combatants to fight over its dead body. In that point of view, a dead treaty is better than a living one; and this accounts for its unconstitutional and indecent interjection into the body of the House.

The Senate is a part, and a constitutional part, of our balanced and representative form of government. Bring it into contempt, and the government is crippled. Nullify it, and the constitution is destroyed. Institute appeals from it to the House of Representatives, and the two houses are brought into collision. Excite the people against it, and they are made to demolish a large pillar in the edifice of their own liberties. I have seen the Senate sensitive on this point—fastidiously and unnecessarily so, as I believed, and when the present assailants of this body were among its foremost defenders: I allude to the case of the protest of President Jackson in the spring of 1834. Then we had a great scene in this chamber. Several orators took fire—among others the present President of the United States, and his Secretary of State—(then senators on this floor)—the protest, though a mere denial of the right of the senate to try and condemn the President without a hearing, was repulsed as an insult, and voted a breach of privilege. Yet, how different the cases! Then the Senate was believed by many (and the people have backed that opinion) to have acted unconstitutionally: now their constitutional power is undeniable. Yet the two persons who were foremost on that occasion to defend the Senate, are united to attack it now.

Mr. President, an appeal from the decision of any branch of our government is no light affair, and cannot be tolerated by those who are friendly to our constitution. It has been tried once, and received its merited rebuke. The French revolutionary minister, Genet, appealed from President Washington's proclamation of neutrality in the year 1793. The American people resented and reprobated his insurgent conduct. Even the volcanic conviction rebuked it. He was recalled and disgraced.

* "Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the compact of annexation made between the executive government of the United States and that of Texas, and submitted to the Senate for confirmation by the President of the United States, be, and the same is hereby ratified as the fundamental law of union between the United States and Texas, as soon as the supreme executive and legislative power of Texas shall ratify and confirm the said compact of annexation."—Mr. McDuffie's resolution.

Not content with sending the defunct treaty, and all the published papers, to the House of Representatives—even that negro chef d'œuvre of a correspondence, designed to exasperate and ulcerate the North against the South,—not content with doing all this, the President transmits also to the House what is called the “suppressed documents” —to which he attaches a mysterious importance; and the more so on account of their hapless fate—strangled by the pitiless decree of the cruel Senate. Hear him :

“The papers communicated embrace not only the series already made public by orders of the Senate, but others from which the veil of secrecy has not been removed by that body, but which I deem to be essential to a just appreciation of the entire question.

“Upon this point, I cannot too impressively invite your attention to my message of the 16th May, and to the documents which accompany it, which have not heretofore been made public. If it be objected that the names of the writers of some of the private letters are withheld, all that I can say is, that it is done for reasons regarded as altogether adequate; and that the writers are persons of the first respectability, and citizens of Texas, and have such means of obtaining information as to entitle their sentiments to full credit.”

Veil of secrecy! What an expression to apply to the letter of General Jackson, re-printed in every country paper, and worn out in the service of the Texian treaty! What an expression to apply to a parcel of anonymous letters, and some notoriously of land speculators!

Of a fact, the President communicated this letter of General Jackson to the Senate. It was read: and having been printed in all the newspapers, no further printing of it was deemed necessary by the Senate; and now, the non-reprint of this letter is called a suppression of a document, and the veil of secrecy is exhibited as being tied down close upon it by the American Senate! And for this, the American President points out the Senate for the reprobation of the House of Representatives and the resentment of the people.

Again: some of these private letters, thus converted into documents, and suppressed documents, are admitted by the President to be without names—but then he vouches for the respectability of these anonymous letter-writers, whose names will not bear a confidential communication to a co-ordinate branch of the government. Good. We have had something of that before—something of these private letters, without names, and whose respectability is vouched for by the executive government.

The whole proceeding was commenced (so far as the record shows a commencement) on a foundation of that sort: a proceeding in which we have made a pretty figure! outraged Mexico—insulted Great Britain—bamboozled Texas—and disgraced ourselves! all this was commenced, so far as the record can speak, upon ten lines of a private letter, “from a most respectable gentleman of Maryland, then in London.” And when the Senate sent to

inquire for the name of this most respectable gentleman, and for the remainder of his letter, behold! the return to the request is, non est inventus! or rather, non sunt inventi! for neither the most respectable gentleman's name, nor private letter, can be found! The most diligent inquiry leaves both undiscovered. The name of the writer is unascertainable in the Department of State, (though known to every body to be Mr. Duff Green;) and there ends the inquiry of the Senate, and the President's response to it.* In the meantime, it is ascertained that there is not one word of truth in this most respectable gentleman's private communication, on the faith of which the administration had warred on Mexico, insulted Great Britain, bamboozled Texas, and disgraced itself. After this, it was hardly to have been expected that another dish of these private letters, from the most respectable gentleman, of undiscoverable name, should be

* To the Senate of the United States:

In answer to the resolution of the Senate of the 28th ultimo, upon the subject of a “private letter;” quoted in the instruction from the late Mr. Upshur to the Charge d’Affaires of the United States in Texas, dated the 8th of August last, I transmit a report from the Secretary of State, to whom the resolution was referred.

JOHN TYLER.

WASHINGTON, June 3, 1844.

To the President of the United States:

The Secretary of State has the honor to acknowledge the receipt of the resolution of the Senate of the 28th ultimo, requesting the President to communicate to that body “the whole of the ‘private letter’ from London, with its date, quoted by the American Secretary of State in his letter of the 9th [8th?] of August, 1843, to the United States Charge in Texas, so far as the same applies to Texas: and all other letters from the same person relative to the annexation of Texas to the United States; also, that the President be requested to inform the Senate of the name of the writer of said ‘private letter;’ and whether the said writer was employed by the Government of the United States in Europe; and if so, a copy of the instructions under which he acted, or of the letters or papers which accredited him, the character in which he acted, by whom appointed, the amount of money which he received, and out of what fund it was paid.”

In reply, the undersigned has the honor to report to the President that, after diligent inquiry, no letter of the character referred to can be found on the files of this department, nor any evidence that such has ever been placed on them. He is unable to ascertain the name of the writer in question from any documents in possession of the department; and presumes that the letter referred to in the resolution of the Senate, being “private,” is amongst the private papers of the late Mr. Upshur.

Respectfully submitted.

J. C. CALHOUN.

DEPARTMENT OF STATE,
Washington, June 3, 1844.

served up to the Senate. But, served up they were! and because the Senate refused to dignify this anonymous stuff with an order to print it, a grave accusation is laid before the House of Representatives of the crimen suppressio. Besides the anonymous letters thus sent in, there were others with names; and these names were those of land speculators, whose interests required "immediate annexation;" and whose interested communications now figure in the President's message as suppressed documents, and veiled archives. Documents are said to be suppressed, and the veil of secrecy tied down upon national archives. At the same time, the contents of these suppressed papers are figuring in all the government newspapers, and the story of their secrecy is just as true as is the documentary characters which has been claimed for them. But this is not all: while refusing the honors of printing to this fatherless trash, the trash itself was at the service of the President and his friends; and, but for the appearance of disrespect, would have been returned to him. Make them public, the Senate was ready to do at any moment; and did so, on my motion, yesterday, to print them, and give them a place among the national archives, was to disgrace the real archives, and to give undeserved credit to anonymous and interested trash. To make them public was not necessary to any purpose of the President. He wanted them for the public, not for the Senate! and he had copies of the whole in the Department of State, the knowledge of which was spread through the papers.

Why were such things as these sent to us, except to give them to the public, and raise a false clamor? The Senate is engaged in a grave proceeding, which concerns the honor and the peace of the country. The President states a case, which involves war and dishonor, and wishes the Senate to act upon it. The Senate wants some proof.—Ten lines of a private letter are sent to them. These ten lines are found to be false! and to supply their place, more private letters, from anonymous writers, are sent. This is trifling with the Senate, and with the country. War is not to be made upon such proof. A justice of the peace, in the question of title to a goose, worth a shilling, would not take such proof. Yet it is now sent to the Senate of the United States to induce it to make war—to induce it to become necessary, after the fact, to the war already unconstitutionally waged on Mexico.

But what thinks the President himself of anonymous communications, or of letters, or of newspaper publications, even those of his own official gazette, or of unauthenticated testimony of any kind, as a foundation for public acts among nations? What thinks he of such proof when a case is about to be made out against him, instead of for him? What thinks he of such testimony in such reverse of position? Let his conduct answer! Let the documents in this case answer! Let the petulant replies, and undignified huffing, and childish hectoring, and coffee-house blustering, which appeared in the letters to General Almonte, last

November, let them answer! these captious ebullitions, taking it in high dudgeon that the Mexican government even made such evidence a foundation for an inquiry into the design to annex Texas to this Union! Let them answer. In these letters the opinion of the President is expressed (for they were written by his order) of all testimony below official, even the demi-official, of his own organ: and to what he there says of such evidence, refusing, as he did, to notice or to answer it, and treating its mere exhibition as a cause of offence, I remit him for the judgment which ought to be pronounced on himself for the trash which he sent to the Senate and his subsequent attempt to exalt it to the rank of a national document, and his present formal attempt to impose it upon the House of Representatives.

The President in his message of appeal, assumes to know the reasons on which the Senate acted in rejecting the treaty; he then attacks those assumed reasons, and argues against them. This is, every way, a most unjustifiable assumption and proceeding. The Senate gives no reasons for its decisions. It is an advising and consenting body, in relation to the formation of treaties, and gives or withholds its advice and consent, without being required to justify itself upon reasons. It speaks by yeas and nays; it neither gives nor can give reasons. As a body, it is impossible to give reasons; and, as for individual members, their reasons are their own, and for the President to answer them is to bring the chief magistrate into collision with individual senators. As a body, the Senate has given no reasons for rejecting this treaty. Individual members have given reasons; and these the President attacks, treating the act of individual members as the act of the body. This is a double injustice—at once arraiging the independence of the Senate, and arraiging it for acts not its own. Such conduct must involve its consequence; and the senator who sees himself assailed must answer for himself and the body. Well, I am in that predicament! and it will be seen how this novel species of warfare will terminate.

Assuming, then, to know the reasons on which the Senate acted in rejecting this treaty, the President proceeds to answer them, and to argue against them. At the head of these stands the objection for the want of the consent of Mexico to the proposed annexation, and his reasons for not seeking that assent previously to the formation of the treaty. He says:

"It has been objected that the measure of annexation should be preceded by the consent of Mexico. To preserve the most friendly relations with Mexico; to concede to her, not grudgingly, but freely, all her rights; to negotiate fairly and frankly with her as to the question of boundary, to render her, in a word, the fullest and most ample recompense for any loss she might convince us she had sustained—fully accords with the feelings and views the executive has always entertained.

"But negotiations in advance of annexation would prove not only abortive, but might be regarded as offensive to Mexico and insulting to

Texas. Mexico, would not, I am persuaded, give ear for a moment to an attempt at negotiation in advance, except for the whole territory of Texas.”

This is a most singular reply under every aspect in which it can be viewed. It speaks of friendship to Mexico, and treating with her respectfully, when the whole conduct of the administration has been studiously offensive and insulting to her.—Witness the whole correspondence with General Almonte, so full of decorum on his side, so captious, so huffy, so blustering, so unbecoming on our own. The entire correspondence, including the despatches of our government to our minister in Mexico, was that of a bully strutting and swelling at a weak neighbor, and endeavoring to pick a quarrel with him, with the consciousness of wrong, and the assumption of strength. The private orders to the army and navy to go and watch Mexico, and take position on the side of Texas against her, was the crowning act of this tissue of gratuitous insult and puerile bullying.

The President declares the previous consent of Mexico to be unnecessary; unhappily for him, he had previously admitted the contrary in three very authentic acts. First, the despatch of a messenger to Mexico, as soon as the treaty was signed, notoriously to obtain her consent, though equivocally denied afterwards. Next, the despatch of which that messenger was the bearer, and which admitting the right of Mexico to be consulted, and the necessity for her previous consent, volunteered an incomprehensible excuse and apology for not applying for that consent, in the supposed necromantic, or negromantic destruction of our Union, which the delay of an instant involved.* Thirdly, in his own message of the 15th of May, which, while denying the necessity for the consent, at the same moment admitted it, by admitting that the messenger was sent to pacify Mexico, and to prevent her from engaging in war with us on account of this treaty † These three previous admissions

* “You will finally assure the Government of Mexico that the Government of the United States would have been happy, if circumstances had permitted it, to act in concurrence with that of Mexico in taking the step it has; but with all its respect for Mexico, and anxious desire that the two countries should continue on friendly terms, it could not make what it believed might involve the safety of the Union itself depend on the contingency of obtaining the previous consent of Mexico. But while it could not, with a due regard to the safety of the Union, do that, it has taken every precaution to make the terms of the treaty as little objectionable to Mexico as possible; and, among others, has left the boundary of Texas without specification, so that what the line of boundary should be, might be an open question, to be fairly and fully discussed and settled according to the rights of each, and the mutual interest and security of the two countries.”—Mr. Calhoun to Mr. B. E. Green.

† “A messenger has been dispatched to our minister at Mexico, as bearer of the despatch already communicated to the Senate, and which is to be found in the letter addressed to Mr. Green, and forms a part of the documents ordered confidentially to be printed for the use of the Senate. That despatch was dictated by a desire to preserve the peace of the two countries, by denying to Mexico all pretext for assuming a belligerent attitude to the United States, as she had threatened to do in the event of the annexation of Texas to the United States, by the despatch of her government, which was communicated by me to Congress, at the opening of its present session.”—Mr. Tyler’s Message, May 15.

of the right of Mexico to have been consulted, and our duty to have obtained her consent, are sufficient to overbalance the present denial; and at that point I will permit this part of the argument to rest.

As a reason for not consulting Mexico in advance, the President assumes that such consultation might prove abortive. What of that? It would only leave us where we were, with the advantage of having been just and respectful to a neighbor with whom we have peace and commerce. But it is a conclusion not to be admitted. When war is the question, the civilization of the age, and the spirit of Christendom, require an effort at an understanding with the adversary power; and this pre-requisite, demanded by the law of nations, and the spirit of the age, happens also to be a treaty stipulation at this moment between the United States and Mexico, as I will show in the right place.

As a further reason for not consulting Mexico in advance, the President assumes that such consultation might have been regarded as offensive to her. Very delicate, to be sure, all at once, towards a power which had been systematically outraged for a year, and against which an army and navy had been clandestinely directed! But, could it be more offensive than negotiating without her consent—telling her to her face that we were ready for all possible consequences*—and sending an army and navy to her coasts and frontiers, to back the defiance?

Insulting to Texas, is another of the reasons for not consulting Mexico; as if any thing could be more insulting to her than the manner in which she had been begged, bullied, deceived, threatened, and tricked into negotiation; † and then mystified

* “It has taken it [the step for annexing Texas to the United States by treaty] in full view of all possible consequences, but not without a desire and hope that a full and fair disclosure of the causes which induced it to do so would prevent the disturbance of the harmony subsisting between the two countries, which the United States is anxious to preserve.”—Mr. Calhoun to Mr. B. E. Green.

† “The failure of the proposition heretofore made by Texas for admission into our Union should not be allowed to influence her present course. If the proposition could have been placed at that time in the light in which it is now seen, there would have been no hesitation upon the subject.—Indeed, it was then regarded rather as a question of time than anything else; for I am well assured that a majority of the people of this country have always considered the annexation of Texas to their territory as an event that must happen sooner or later. At all events, no other question can grow out of the failure of the first proposition than one of mere etiquette, or national self-respect. I have anticipated and provided for this. Supposing that Texas might feel some reluctance to renew a proposition which had been once rejected, I have invited her, through her charge at Washington, to enter into negotiations upon the subject. A copy of my note is enclosed.

with an incomprehensible abolition of slavery hallucination, and libelled with the imputation of a British alliance project.

The President says the fullest and most ample recompense is to be offered to Mexico for the loss she might sustain. What is this but offering to pay her, since the treaty, for Texas? and, in fact, all accounts agree that from five to ten millions were to be offered to Santa Anna! that our messenger went freighted with that rich offer! Again: He says he would settle the question of boundary with Mexico frankly and liberally. Now, why not do this beforehand? Why seize upon parts of New Mexico, Chihuahua, Coahuila, and Tamaulipas; and then say, he would restore them on frank and liberal terms, by treaty? In the mean time, what would be the legal condition of these Mexican States, if the treaty had been ratified? They would have been part of the United States! than which nothing could have been more outrageous to Mexico. Would our administration behave thus towards Great Britain? Would it incorporate, by treaty, with any revolted Canadians, two thousand

“We have it in our power to do more injury to the commerce, and, incidentally, to the agriculture of Texas, in time of peace, than all the other countries of the world combined; and, for the same reason, we can benefit her in any equal degree. It is not to be supposed that we shall feel any hesitation on this subject, if Texas shall reject our overtures and throw herself into the arms of England. Instead of being, as we ought to be, the closest friends, it is inevitable that we shall become the bitterest foes. In this feeling all parts of our country will participate.

“If Texas should refuse to come into our Union, measures will instantly be taken to fill her territory with emigrants from Europe. Extensive arrangements for this are already made, and they will be carried into effect as soon as the decision of Texas shall be known. These emigrants will bring with them European feelings and European opinions. Emigration from the United States will cease; at all events, the people of the Southern States will not run the hazard of subjecting their slave property to the control of a population who are anxious to abolish slavery. Texas will soon cease to be an American State.

“But the first measure of the new emigrants, as soon as they shall have sufficient strength, will be to destroy that great domestic institution upon which so much of the prosperity of our southern country depends. To this, England will stimulate them, and she will also furnish the means of accomplishing it. I have commented upon this topic in the despatch to Mr. Everett. I will only add, that if Texas should not be attached to the United States, she cannot maintain that institution ten years, and probably not half that time.

“You will readily perceive that, with such causes as these at work, a long continuance of peace between that country and the United States is absolutely impossible. War is inevitable. England will be a party to it from necessity, if not from choice; and the other great powers of the world

miles of Upper and Lower Canada? and then offer to treat liberally with Great Britain for its restoration? No. Sooner would they nip the forked lightning with their naked fingers. No, no, Queen Victoria's dominions would not be served thus. Our President and his Secretary have discretion. They know when, and where, and with whom to be valiant.

But the most curious part of this paragraph of the message, replete as it is with absurdities and contradictions, is the part which refuses to negotiate with Mexico in advance, because she would not treat, except for the whole of Texas. When I read this exception, my eyes opened wide! and I looked sharp for some error of the press to relieve me from my surprising mystification. At last I perceived there was no error of the press; and that, in reality, an objection to negotiating with Mexico in advance was, because she would not treat, except for the whole of Texas! Ascertaining this, I gave it up! For what, in the name of everything that is reasonable, or even rational! what were we after, but the whole of Texas? The most moderate of us wanted all that was lost by

will not be idle spectators of a contest involving such momentous results. I think it almost certain that the peace of the civilized world, the stability of long-established institutions, and the destinies of millions both in Europe and in America, hang on the decision which Texas shall now pronounce. What has she to hope in this conflict of stronger powers? She will find herself between the upper and the nether millstone, ground to powder in their revolutions.

“Measures have been taken to ascertain the opinions and views of Senators upon the subject, and it is found that a clear constitutional majority of two-thirds are in favor of the measure. This I learn from sources which do not leave the matter doubtful; and I have reason to know that President Houston himself has received the same information from sources which will command his respect.—There is not, in my opinion, the slightest doubt of the ratification of a treaty of annexation, should Texas agree to make one.

“The pending negotiation with Mexico ought not to present any difficulty, unless Texas is prepared to go back again under the dominion of that power. As it is certain that she will not consent to do this, under any possible circumstances, the result of that negotiation cannot affect unfavorably the proposition of annexation to this country. If Mexico should acknowledge the independence of Texas, then Texas will have an undisputed right to dispose of herself as she pleases; and if Mexico shall refuse that acknowledgement, Texas will the more need the protection which the United States now offers. She can require nothing more, in this last event, than that the United States shall take upon themselves the adjustment of her difficulties with Mexico.

“It seems to me that a wise people cannot long hesitate between the alternative now presented to Texas.”—Mr. Upshur's letter to the United States charge in Texas, January 16, 1844.

the treaty of 1819, which would include the old province of Texas, and eighty thousand square miles besides, north of the Red river. The most moderate of us wanted all this, while the treaty party wanted more! and actually contracted for a slice in addition, of two thousand miles in length from four Mexican States. The President and his Secretary would not treat with Mexico in advance, for fear she would press all Texas upon them! yet we would take all of Texas from herself, and more too! and then fight Mexico for the whole! fight her in unconstitutional war, secretly agreed upon in a preliminary article, clandestinely commenced by detaching forces, and intended to be kept secret from the people and their representatives.— After this, what more? except to decide whether our Department of State has become a workshop of treason, or a hospital of bedlamites.

The President goes on to answer the objection which imputes to him a violation of treaties, and a breach of faith towards Mexico; and affirms that we have but one treaty with that power, and that a mere commercial one, for the security of trade and intercourse. Hear him:

“Nor can we, by any fair or by any legitimate inference, be accused of violating any treaty stipulations with Mexico. The treaties with Mexico give no guarantee of any sort, co-existent with a similar treaty with Texas. So have we treaties with most of the nations of the earth which are equally as much violated by the annexation of Texas to the United States, as would be our treaty with Mexico. The treaty is merely commercial, and intended as the instrument for more accurately defining the rights and securing the interests of the citizens of each country. What bad faith can be implied or charged upon the government of the United States for successively negotiating with an independent power upon any subject not violating the stipulations of such treaty, I confess my inability to discern.”

Only one treaty, and that a commercial one.— Well! I have seen the time that the violation of one treaty, and the destruction of commerce with one nation only, would be considered something, and worth the delay of time to think. But, leaving that out for the present, let us look into the fact of only one treaty, and that a commercial one, which the President tells us is all we have with Mexico. Here is a volume of treaties, (holding up a book) and in it I see a treaty of limits with Mexico, recent in its formation, and perpetual in its duration, and guaranteeing to Mexico the whole country now undertaking to be added to our own by virtue of a treaty with Texas. This treaty of limits is found in volume 8 of the laws of the United States, and at page 982. It establishes the fact that there is one more treaty with Mexico, besides that of commerce; and one which happens to be the largest obstacle in our path to the annexation of Texas, without an honest effort to obtain the consent of Mexico. We have acknowledged her title to all this country; we know she has never relinquished her right to it: we treat with another party for it, knowing that we treat for war as an incumbrance upon it, and with a treaty of fixed

limits staring us in the face. No well disposed neighbor buys a law-suit against his neighbor, the laws forbid such purchases, and qualify them as immoral. But, here is a war to be bought, and our own treaty to be plead against the purchase. The President might well wish to obliterate such a treaty from the statute-book.

Then, in fact, we have a treaty which the President repudiates, but which, nevertheless, is in the statute-book, and finds its sanction in the laws of nations, and in the faith of civilized powers.— Not that this treaty should be a perpetual bar to separate negotiation for annexation with Texas; but that it entitles Mexico to that respectful consideration, and honest effort to obtain her consent, which all disinterested men feel to be necessary, and for which my bill provides. So much for the treaty of limits.

The commercial treaty which the President admits, is not what he terms it, a mere commercial treaty, but is also a treaty of amity and navigation. It is a treaty of three objects—amity—commerce—and navigation; and these objects are secured by different articles, and are to have different durations. The commerce and navigation articles are limited, and may be terminated on a year's notice from either party; the amity articles are unlimited and are to survive the termination of the former.— This survival is expressly provided for. The title of the treaty is that of amity, commerce and navigation—amity being named first as the foundation of the others. At the head of the motives which lead to the treaty, that of establishing the relations of “friendship” upon a firm basis, and to be “religiously” observed, is the foremost. The first article is in these words:

“There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between the United States of America and the United Mexican States, in all the extent of their possessions and territories, and between their people and citizens respectively, without distinction of persons or places.”

This is the first article of the treaty; the last one—for there are thirty-four articles in the whole—returns to the same point, and endeavors to perpetuate the peace and friendship which the first article had declared and established. It says:

“And it is hereby agreed that, on the expiration of one year after such notice shall have been received by either party from the other, (for the termination of the commercial and navigation articles,) this treaty in all its parts relating to commerce and navigation, shall cease and determine; and in all those parts which relate to peace and friendship, it shall be permanently and perpetually binding on the contracting parties.”

Again:

“If (what cannot be expected) any one of the articles contained in the present treaty shall be violated, it is stipulated that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, on complaints of injuries, until the said party considering itself offended, shall first have presented to the other a statement of such injuries or damages, verified

by competent proofs, and shall have demanded justice and satisfaction, and the same shall have been refused, or unreasonably delayed."

Such is the treaty of friendship—such its stipulations for perpetuity and inviolability—actually existing between the United States and Mexico, and which the President assumes not to exist. He admits one treaty with Mexico, and that a mere commercial one: I show three treaties—one of limits, guaranteeing to Mexico the very country we now receive from Texas, without a word of explanation with the nation to which we have guaranteed it;—another of amity, commerce and navigation;—the amity articles being a distinct treaty in themselves, made perpetual, while the commercial and navigation articles are limited; and with express stipulations for friendly explanations, and demands for satisfaction, before either party should engage in war upon the other. Yet this sacred treaty, and all its careful stipulations, the President entirely forgets! and, still confining himself to the one commercial treaty, declares his inability to discover the bad faith which is charged upon him in these negotiations with Texas, involving, as they do, war with Mexico, and the consequent abrogation of all treaties. The President's discernment must be bad. There would be bad faith, and enough of it, in destroying a commercial treaty, and ruining the unsuspecting merchants trading under it, by engaging wantonly in war—adopting a war not our own—and producing all the confusion, loss, and mischief which would result from such interruption of commerce. This would be bad faith enough, both to nations and to individual merchants; but, bad as it is, and would be, it is but the grain of mustard to the mountain, compared to what he has actually done.

And here, Mr. President, the subject rises upon me, and requires me to take a graver tone, and a severer view. A scene of perfidy, and of breach of peace, and of mischief making, and of clandestine war, and of interruption of peace makers, is to be revealed to the Senate; a scene of which there has been no example since the disappearance of the petty and perfidious princes of Italy to whom the pen of Machiavelli has affixed an immortality of infamy. Mexico and Texas were at war: the great powers of Europe interposed to make peace: an armistice was obtained: negotiations were opened: the pacificators were at the council board, earning the benediction of heaven, when our administration clandestinely interposes to frustrate the divine work—to renew the flames of war—make our own country a party to it—and that secretly and unconstitutionally; and all for the base purpose of a dissolution of our Union, and an election intrigue; reinforced by a land speculation, and a job in scrip. But I deal at present only with the violation of the armistice, the interruption of the negotiations for peace, and the clandestine, unconstitutional war. Let us confine our attention to these items.

At page 47, of the published document, we find a letter of the late Secretary of State, written by the command of the President, (as all such letters are by constitutional intendment, whether so ex-

pressed or not,) and addressed to Mr. Murphy, the United States representative at the government of Texas. This letter bears date the 16th of January, 1844, and recites the fact that the government of Texas has, for the present, declined the annexation proposition made to it by the government of the United States. Here, then, is a point in the case—a dead point, as it is called in mechanism—which it requires an extra power to overcome. That extra power the Secretary applied in that long letter of begging, coaxing, threatening, bullying, deceiving, tricking, and promising, which has been already referred to. And, deeming all this not enough to induce Texas to violate the armistice, and break up the negotiations of peace—consequences which the annexation project flagrantly involved—he makes a direct offer to assume the war for her, as the crowning inducement to reopen the declined proposition. The direct assumption of the war was offered, and offered for this specific purpose. Hear him:

"The pending negotiation with Mexico ought not to present any difficulty, unless Texas is prepared to go back again under the dominion of that power. As it is certain that she will not consent to this, under any possible circumstances, the result of that negotiation cannot affect unfavorably the proposition of annexation to this country. If Mexico should acknowledge the independence of Texas, then Texas will have an undisputed right to dispose of herself as she pleases; and if Mexico shall refuse that acknowledgment, Texas will the more need the protection which the United States now offers. She can require nothing more, in this last event, than that the United States shall take upon themselves the adjustment of her difficulties with Mexico."

Here is a full acknowledgment of the pending negotiations between Texas and Mexico for peace between them, and for the acknowledgment of the independence of the former; a full acknowledgment, also, of the right of Mexico to dispute the annexation pending the negotiations; a full acknowledgment, furthermore, that the right of Texas to annex herself to the United States without the consent of Mexico, had not yet accrued; and then a naked, undisguised, flagrant, criminal offer to assume the war for her—adjust her difficulties with Mexico—if she would violate all these sacred relations, by resuming the declined proposition for annexation. This letter was written on the 16th of January, and formed part of the first meagre, defective, and mutilated set of documents sent in to the Senate. No reply appeared to have been made to this extraordinary letter on the part of Texas. It seemed to have dropped dead. The next paper in the series was quite on a different point—away off at a non-tangent—almost at the antipodes! nothing nearer than Lord Aberdeen's disclaimer of negro insurrection imputations!—(See page 48 of the document.) This looks strange, and implied a suppression, which excited suspicion. *Hiatus valde defendus*. Something was evidently skipped; for the annexation proposition, which we left broken off, and at a dead point, was not only renewed, as the event showed, but the treaty

was actually made, and presented to us. We left our President and Secretary at the dead point! and the next we see of them, they are not only over the point, but through the game. The treaty is signed, and presented to the Senate, and proclaimed to the country! and Texas, so far as it depended upon the executive government, is ours. How is this? It looked like magic, or trick; and as Senators we were more inclined to believe in the latter than in the former, proceedings were instituted to make discovery of the missing links of a lost and broken chain. A call was made upon the President; it resulted in nothing, or rather worse; for it started the Senate upon a wrong scent. Then another call was made, with more of the scienter in it, as the lawyers would term it; and this call proved effective. It was the one which accomplished that notable exploit which the Senate will remember, and which the Spanish paper then quoted, so dramatically described, as pulling the devil from under the blanket. An answer was got; and lo and behold! it turned out to be the exact thing wanted—the missing link—the connecting rod—the opening key—to the resumed propositions—to the formation of the treaty—to the true price of the treaty—and the object for which it was then so agonizingly desired. This answer was not obtained until the first day of June—a day far posterior to that which executive impatience had assigned us for the consummation of our task in the ratification of the treaty. It came too late to be included in the twenty thousand copies of the Texas document which the Senate had ordered to be printed on the 16th of May; innocently thinking, as they then did, that, by dint of iterated and reiterated calls, they had got all; when, in fact, everything material and essential was still behind, and was only obtained fifteen days later, and by an amended call. All this most material and essential matter, too late forthcoming to be included in the regular document was added to it, and constitutes a document in itself, numbered 349. The first paper in this addenda is dated Washington, January 17th, 1844—the day after Mr. Upshur's last extraordinary letter, so frequently referred to—and is too important to be abridged. Here it is in full!

Mr. Van Zandt to Mr. Upshur.

“LEGATION OF TEXAS,
Washington, January 17, 1844

“Sir: It is known to you that an armistice has been proclaimed between Mexico and Texas; that that armistice has been obtained through the intervention of several great powers, mutually friendly; and that negotiations are now pending, having for their object a settlement of the difficulties heretofore existing between the two countries. A proposition likewise having been submitted by the President of the United States, through you, for the annexation of Texas to this country, therefore (without indicating the nature of the reply which the President of Texas may direct to be made to this proposition) I beg leave to suggest that it may be apprehended, should a treaty of annexation be concluded, Mexico may think proper to at once terminate the armistice, break off all negotiations for peace, and again threaten or com-

mence hostilities against Texas; and that some of the other governments who have been instrumental in obtaining their cession, if they do not throw their influence into the Mexican scale, may altogether withdraw their good offices of mediation, thus losing to Texas their friendship, and exposing her to the unrestrained menaces of Mexico. In view, then, of these things, I desire to submit, through you, to his excellency the President of the United States, this inquiry: should the President of Texas accede to the proposition of annexation, would the President of the United States, after the signing of the treaty, and before it shall be ratified and receive the final action of the other branches of both governments, in case Texas should desire it, or with her consent, order such number of the military and naval forces of the United States to such necessary points or places upon the territory or borders of Texas or the Gulf of Mexico, as shall be sufficient to protect her against foreign aggression?

“This communication, as well as the reply which you make, will be considered by me as entirely confidential, not to be embraced in my regular official correspondence to my government, but enclosed direct to the President of Texas, for his information.

“With assurances of my great regard, I have the honor to be, very respectfully, your obedient servant,
“ISAAC VAN ZANDT.

“Hon. A. P. UPSHUR, &c.”

To this letter so pregnant in itself, and so full of matter for the gravest reflection, follow eleven others between the functionaries of the two powers, and between the two Presidents of Texas and the United States, through their respective representatives; all directed to the same cardinal point, and all confined to the same vital struggle—the Texans, to obtain a written promise for the loan of the army and navy to President Houston—Mr. Tyler and his Secretary, to work off upon a verbal engagement for the same military and naval loan.—The whole eleven letters are eminently worthy of being scanned and studied; though here, again, there are gaps—missing links—no less than four; but what is seen shows the arduousness of the contest—the pertinacity of the demand, and the evaded pledge—which lasted eighty-four days—from January 17th to April 11th—and the dire repugnance with which our President and his Secretary were screwed up at last to the fatal point of giving the written promise for the damning deed. Do it, (that is lend the army and navy, and assume the war,) and go into it clandestinely, they were perfectly willing; but to sign the paper! there lay the rub. At last, the ides of March arrived. The eleventh of April had come. It was only forty days to the Baltimore convention: the “Texas bomb” was wanting; the Guy Fawkes plot required the bomb; not another hour could be delayed, and on that day the promise was signed, and even performed; for the forces were put in motion. The sailing and the marching orders were given; and the next day—April 11th—the long desired treaty was signed. Here is the letter of our present Secretary of State, of date the 11th of April, giving in the President's

adhesion to the dreadful terms which the Texians exacted of him, as the price of furnishing him the "bomb" in time for the convention. Hear the letter :

Mr. Calhoun to Messrs. Van Zandt and Henderson.

" WASHINGTON, April 11, 1844.

" Gentlemen : The letter addressed by Mr. Van Zandt to the late Secretary of State, Mr. Upshur, to which you have called my attention, dated Washington, 17th of January, 1844, has been laid before the President of the United States.

" In reply to it, I am directed by the President to say that the Secretary of the Navy has been instructed to order a strong naval force to concentrate in the Gulf of Mexico, to meet any emergency; and that similar orders have been issued by the Secretary of War to move the disposable military forces on our southwestern frontier, for the same purpose. Should the exigency arise to which you refer in your note to Mr. Upshur, I am further directed by the President to say that, during the pendency of the treaty of annexation, he would deem it his duty to use all the means placed within his power by the constitution to protect Texas from all foreign invasion.

I have the honor to be, &c.,

J. C. CALHOUN.

Messrs. I. VAN ZANDT, and

J. P. HENDERSON,

Ministers from the Republic of Texas."

Thus was signed the dreadful promise; and not merely signed, but performance of it inexorably exacted upon the instant. No trust or credit for this part of the price. The credit system did not extend to war help. Payment of the war subsidy was exacted in advance. The Secretary of State shows that the sailing and marching orders were issued before the letter of the 11th was sent; and thus was consummated the most daring crime, for the most infamous purpose, that ever was witnessed in a government of limited and responsible authorities.

The letter of Mr. Van Zandt, the Texian representative, establishes some great points to which I invite the attention of the Senate.

1. The existence of the armistice between Mexico and Texas, so imprudently denied by our President in his special message of the 17th of May

2. The actual pendency of negotiations between Mexico and Texas for peace, under the mediation of European powers, at the moment that our administration was clandestinely and perfidiously at work to break the armistice, and prevent the peace.

3. The fear of Texas to commit herself to the consequences of violated faith, and breach of armistice, and of pacific negotiations, without a promise of protection from the United States.

4. The Texian demand for military aid before the ratification of the annexation treaty.

5. The secrecy in which the whole was to lie buried between the two Presidents, not even going into the official correspondence.

6. The agency of our administration in urging,

seducing, and almost forcing Texas into a breach of the armistice, and the interruption of friendly negotiations.

7. The character of our administration as exhibited by itself, perfidiously rekindling the war which the European sovereigns were extinguishing.

These points, so clear in Mr. Van Zandt's letter, arrest and fix our attention.

The letter of Mr. Calhoun, on the 11th of April, shows that all the demands of the Texian government, of the 17th of January, were fully concurred in. The army and navy were lent for the purposes required. "To meet any emergency," is the vague phraseology employed to cover an illegal aggression. The name of the constitution is invoked in the instant of its diabolical violation, to cover the protection of Texas from foreign invasion; as if Texas was one of the States of this Union, and protected by our constitution from insurrection and invasion. The letter of the 11th of April is the response to the letter of the 17th of January, and the numerous intervening letters referred to, but not read, but which may be seen from page 1 to page 12, in document number 349; it is the response to all these letters, and four others not given. It is their response; and they are its key; and which place this letter of the 11th of April in the class of the most lawless and daring crimes, (and for the most infamous purposes,) which have disgraced christendom since the revival of civilization, and the extinction of the "dark ages." And for what purpose all this crime and infamy? To cover an intrigue for the presidency, and something worse. And against whom? A neighbor, with whom we have peace and trade, and treaties of friendship, limits, commerce, and navigation. And upon what pretexts? A negro hallucination, as insulting to Great Britain as it is degrading to its inventors, and incomprehensible to the world. Surely the mind is moon-struck which can play such lawless and fantastic tricks; or must believe the people mad before whom they are played.

I have now shown that our President labors under a great error in a matter of fact, in supposing we have but one treaty, and that a mere commercial one, with Mexico. His error in this particular is now established, and is serious and lamentable. Considering what he has done, this error is truly deplorable. But, even upon his own supposition, and supposing that he was only violating and abrogating a commercial treaty: is that nothing? Is the breach of faith nothing? Is the interruption of commerce nothing? Is the ruin of some thousand merchants nothing? All this results from the breach and abrogation of a commercial treaty. War abrogates all treaties. The President has made war on Mexico. His private engagement with President Houston is war. His direction of forces to the coasts and frontiers of Mexico, is a commencement of war. It is the establishment of a state of war between the United States and Mexico. Even if a gun is not fired, nor a ship captured, the fact is the same. War has been made on Mexico. War exists between the United States and Mexico. It is their present status—

their legal state under the law of nations; and if actual hostilities do not take place, with all their bloody consequences by sea and land, all their ravages of commerce, and exasperation of national feeling, and involvement of many powers: if all this does not take place, it is because the Senate has rejected the treaty, and laid the President under the necessity of recalling our naval and military forces from the theatre of battle to which he has dared to send them.

The legal state between the United States and Mexico is that of war; and the legal consequence is the abrogation of all treaties between the two powers, and the cessation of all commercial intercourse. This is a trifle in the eyes of the President; not sufficient to impede for an instant his intrigue for the Presidency, and the ulterior scheme for the dissolution of the Union. But how is it in the eyes of the country? Is it a trifle in the eyes of those whose eyes are large enough to behold the extent of the Mexican commerce, and whose hearts are patriotic enough to lament its loss? Look at that commerce! The richest stream which the world beholds: for, of exports, silver is its staple article; of imports, it takes something of everything, changed, to be sure, into the form of fine goods and groceries: of navigation, it requires a constant foreign supply; for Mexico neither has, nor can have, a marine, either commercial or military. The want of ports and timber deny her a marine now and forever. This country, exporting what we want—(hard money)—taking something of all our exports—using our own ships to fetch and carry—lying at our door—with many inland streams of trade besides the great maritime stream of commerce—pouring the perennial product of her innumerable mines into our paper money country, and helping us to be able to bear its depredations: this country, whose trade was so important to us under every aspect, is treated as a nullity by the American President, or rather, is treated with systematic outrage; and even the treaty which secures us her trade is despairingly acknowledged with the contemptuous prefix of mere!—a mere commercial treaty. So styles it the appeal message. Now let us look to this commerce with our nearest neighbor, depreciated and repudiated by our President: let us see its origin, progress and present state. Before the independence of Mexico, that empire of mines had no foreign trade: the mother country monopolized the whole. It was the Spanish Hesperides, guarded with more than the fabulous dragon's care, Mexican independence was declared at Iguala, in the year 1821. In that year its trade with the United States began, humbly to be sure, but with a rapid and an immense development. In 1821 our exports to Mexico were about \$100,000; our imports about the double of that small sum. In the year 1835, the year before the Texian revolution, our exports to the same country, (and that independent of the Honduras, Campeachy, and the Mosquito shore,) amounted to \$1,500,639: and that of direct trade, without counting exportations from other countries. Our imports were, for the same year, in merchanize, \$5,614,819: of which the whole,

except about \$200,000 worth was carried in American vessels. Our specie imports for the same year, were \$8,343,181. This was the state of our Mexican trade, (and that without counting the inland branches of it,) the year of the commencement of the Texian revolution—an event which I then viewed, as my speeches prove, under many aspects! And, with every sympathy alive in favor of the Texians, and with the full view of their return to our Union after a successful revolt, I still wished to conciliate this natural event with the great object of preserving our peaceful relations, and with them our commercial, political, social, and moral position in regard to Mexico, the second power of the New World after ourselves, and the first of the Spanish branch of the great American family. The administration of the time wished to do the same, and so did Congress; but in spite of all our laws and proclamations of neutrality, it so happened that our supposed aid and known sympathy for the Texians, and our decided movement in the early acknowledgment of Texian independence, worked its apprehended result—alienated Mexican feeling from us—and ran down our rich and growing trade as rapidly as it had run up. In the year 1842—six years after the commencement of the Texian revolution—our direct exports to Mexico had sunk to \$564,862; our imports of merchandize had fallen off to \$1,995,696: our navigation had declined two-thirds: and our specie imports were reduced to \$1,342,817. This was the melancholy and declining state of our Mexican commerce in the year 1842; when, in the winter of that year—the winter 1832-43—the plot was laid for immediate annexation—that is to say, annexation during the presidential campaign of 1844! which threatens the remainder of this trade with total extinction. In the natural order of things this trade should nearly have doubled since 1835. The British trade with Mexico has more than doubled during that time. More than twenty millions of silver now go annually to the British government, or British merchants, while our supply has sunk down from eight millions and a half to less than one million and a half. Sir, I have spoken of this trade in its relation to the whole Union; but there is another relation under which to view it; and that is, in its relation to the Great West. The Mexican trade is emphatically a western trade! and New Orleans is its grand emporium. There arrives—there did arrive—the ship loads of Mexican dollars to meet the steam-boat loads of western produce! and every measure that repulses, or diminishes that importation of silver, diminishes in the same degree the capacity of New Orleans to purchase western produce, and carries loss and damage to the growing crop of every western farmer.

Mr. President, I have one other view to take of this Mexican trade, and which will still exhibit its value, great as that has already been seen to be, under a new and additional degree of importance.—We are a paper money people, with a thousand paper-money banks, and not one mine of silver, and but few mines of gold, and a large mint establishment with little domestic gold, and not one ounce

of native silver to coin. What would become of these banks—or rather, what would become of their currency in the hands of the people—were it not for Mexican dollars? In the years 1837-'38-'39-'40, we saw those banks shut up, and their paper sink a half, or a third, or a quarter, (some more, some less,) on the hands of the people; and while the great calamity of this general and prolonged suspension of specie payments had its origin and root in the conduct and condition of the Bank of the United States, yet the loss of the customary supply of silver from Mexico favored her criminal design, and brought the local institutions more completely within the subjection of her diabolical policy. The decline of our Mexican supply of silver was enormous during those years. In 1835, the amount imported (on the custom-house books) was \$8,343,181; in 1836, it was \$4,537,418; in 1837, it was \$4,650,978; in 1838, it was \$2,659,426; in 1839, it was \$2,273,548. Here was a decline of three-fourths in four years! adding the annual declines together, (assuming the import of 1835 to have remained stationary,) and the whole loss was \$19,412,272! enough to have arrested the course of bank suspension, and checked the depreciation of currency, and the ruin of commerce. But the criterion of loss is erroneous in assuming the import of 1835 to have remained stationary; it was then rising as rapidly as it afterwards fell. In fact, our Mexican import of silver has been a climax, both in its ascent and descent, and finds its culminating point in the year which preceded the Texian revolt. Thus, (and to confine myself to a few years before as well as after that period) in the year 1832, this import was \$3,626,704; in 1833, it was \$4,592,892; in 1834, \$7,204,517; in 1835, \$8,343,181. Had it continued rising at this rate it must now have been near twenty millions; which is, in fact, about the amount which now annually goes to the British—either to the government or to the merchants. This great import of specie, invaluable in itself, had another advantage in the regularity and naturalness of its supply. It came every year, and all the year round—and that as a natural operation, being the staple export of the country. Large imports of specie from other countries indicate a commercial or pecuniary derangement, and often produce a crisis in the affairs of nations. Not so with Mexico. Her silver dollars are her tobacco, cotton, rice, sugar, provisions, manufactures, &c., &c. They are her exports; and are sent abroad to meet the exports of other countries, and to meet all the productions of our country, first changed into fine goods and groceries, in the markets of Europe and the West Indies. I have before traced the workings of this commerce and shown the ignorance of the superficial observer who, looking to the direct trade alone, is ready to say Mexico takes but little from us, and that of very few articles. This is an error—a gross error: she takes—did take—much from us—and that of everything—but at a double operation, not injurious to any interest, and beneficial to navigation, by giving it a double employment.

Eight years ago, and when the Texian revolution was in its dawn, I pointed out this conse-

quence to our trade as a reason (among others) for not losing the friendship of Mexico while wishing well to Texas. I then said:

“As a western senator, coming from the banks of the Mississippi, and from the State of Missouri, I cannot be blind to the consequences of interrupting that double line of inland and maritime commerce which, stretching to the mines of Mexico, brings back the perennial supply of solid money which enriches the interior, and enables New Orleans to purchase the vast accumulation of agricultural produce of which she is the emporium.—Wonderful are the workings of commerce, and more apt to find out its own proper channels by its own operations, than to be guided into them by the hand of legislation. New Orleans now is what the Havana once was—the entrepot of the Mexican trade, and the recipient of its mineral wealth. * * Let no unnecessary collision with Mexico interrupt this happy commerce, turn back the streams of three hundred mines to the Havana, and give a wound to a noble city which must be felt to the head spring and first source of every stream that pours its tribute into the King of Floods.”

This is what I said eight years ago, and when pointing out the consequences of acknowledging prematurely the independence of Texas. The Senate will pardon this egotism. It has occurred too often in this debate; but not from vain glory, and to show myself more wise than others, but for the useful purpose of gaining some credit for what I now say, and preventing future mischiefs, by showing that I have heretofore been able to lift the veil of futurity, and to point out to my fellow countrymen the calamities with which public measures were fraught. In all this Texas business, I have been a Cassandra. From the first revolution of the treaty of 1819, when I imprecated a woe* upon the head of its author, (then mistaken as to the man,) down to the rejection of this “immediate” annexation treaty, I have foretold and pointed out the consequence of every successive blunder which has been committed, and without gaining any credit for what I said. Now I point out the greatest of all these blunders—nay, the greatest of crimes—and warn against their fatal consequences: with what success, the lapse of some few months must show.

The President—for I resume my reading of the appeal message—goes on to say:

“While all the world beside regards Texas as an independent power, Mexico chooses to look upon her as a revolted province. Nor could we negotiate with Mexico for Texas, without admitting that our recognition of her independence was fraudulent, delusive, or void. It is only after acquiring Texas, that the question of boundary can arise between the United States and Mexico, a question purposely left open for negotiation with Mexico—as affording the best opportunity for the most friendly and pacific arrangements. The exe-

* “The magnificent valley of the Mississippi is ours, with all its fountains, springs, and floods: and woe to the statesman who undertakes to surrender one drop of its water—one inch of its soil—to any foreign power.”—Benton, 1818.

cutive has dealt with Texas as a power independent of all others, both de facto and de jure. She was an independent State of the confederation of Mexican republics. When, by violent revolution, Mexico declared the confederation at an end, Texas owed her no longer allegiance, but claimed, and has maintained the right for eight years to a separate and distinct position. During that period, no army has invaded her with a view to her reconquest; and if she has not yet established her right to be treated as a nation independent de facto and de jure, it would be difficult to say at what period she will attain to that condition."

This is a novel specimen of argument for the chief of a government, speaking to a Senate. It is a sample, however, of what the logicians define, and which they call, *argumentum ad ignorantiam*. It is, indeed, an argument not only founded upon, but addressed to ignorance. It is, besides, sepercilious and *unpertinent*, and is moreover in bad taste. That "choose!" Mexico chooses to look upon Texas as a revolted province. This is insulting to Mexico, and is not founded in fact. She has the right to look at Texas in that character until the revolution is terminated. Nor does the world look upon her in any other light.—France and Great Britain show their view of the Texian condition in their efforts—successful efforts—to obtain the armistice and mediate for peace. Our President himself shows his true opinion of this condition in that private engagement to protect the revolted province from the pursuit of Mexico. Texas herself shows her view of it in the imprecations which she has addressed to the great powers of Europe, as well as to ourselves, to obtain the acknowledgment of independence for her, or a prosecution of the war upon principles of humanity. Under such circumstances it is as unbecoming, and as unfounded, and as offensive, to apply the epithet choose to the Mexican contemplation of Texas as the same epithet would have been if applied to George the Third and his thirteen revolted colonies at any time before the treaty of peace in the year 1783. Choose, indeed. Mexico has a right to decide for herself. She is a sovereign power. She has an unrelinquished claim on Texas; and if she says war is the price of that unrelinquished claim, she has a right to say so; and we shall have to pay that price. She has fixed the price, and we know it. As far back as the 23d of August, 1843, Mr. de Bocanegra, the Mexican Secretary of State for foreign affairs, officially informed Mr. Thompson, our minister at Mexico, that the annexation of Texas would be the commencement of war between the two countries. On the 31 of November, 1843, General Almonte, the Mexican minister at Washington, delivered, by command of his government, the same official declaration to our Secretary of State. Mr. Van Zandt, the Texian representative, in his letter to Mr. Upshur, of the 17th of January, 1844, expressly presents war as the consequence of annexation; and demands the protection of the United States, and the use of her army and navy, before he would sign the treaty. And Mr. Calhoun, in the name of the President, on the 11th of April, agrees to the condition—accepts Texas and the war together—unconstitutionally, clandestinely, and secretly accepts it—and privately orders off ships and troops to join Texas against Mexico. In all this the President proves that he knew war was the price of annexation: he agreed to that price: he paid it in advance: and now, to say to the world that Mexico chooses to consider Texas as a revolted province, is to trifle with language and with the public intelligence, and to subject himself to the imputation of denying what he had fully and previously admitted.

The President says we have acknowledged the independence of Texas. Certainly we have! and that according to a principle which makes us acknowledge the independence of all governments which get the reigns of government in their hands, without inquiring whether rightfully or wrongfully. The monarchs of Europe when they please, judge revolutions, and disown governments: we judge none, and disown none. Thus, we acknowledge every successive faction that prevailed in France during the progress of her revolution. We acknowledged the great Emperor during the hundred days, though rejected by the world besides. We acknowledged Iturbide during his brief year of empire. We acknowledged the chiefs of all the South American States as fast as they rise. Our acknowledgment implies the admission of no right; and can never be quoted in any claim of title. To the ignorant alone—to those who know nothing about the laws of na-

tions, and our own practice with respect to nations—can this rhetorical display about independence be addressed.

Mexico and Texas are at war, suspended only by an armistice, and by negotiation for peace, which our President has endeavored clandestinely and perfidiously to break and frustrate. If we annex Texas we adopt that war; and age or condition makes no difference. Instead of eight years, she may be eight thousand years old: she may be as old as Egypt: still if she has a war upon her hands, and we annex her, we adopt that war, and make it our own. There is no difference between Texas and Egypt in this particular.

The President says no Mexican army has invaded Texas with a view to reconquest in eight years. Of course, he pays no attention to the invasion by General Woll, and the two disastrous expeditions to Santa Fe and Mier. Still I say the war exists; and whether eight years or eight thousand makes no difference. The war still exists; and instead of stopping his negotiations with Texas when he saw that they involved war, and reporting that fact to Congress, and leaving it to Congress to make war if it was to be made—instead of this he adopts it to himself, engages in it secretly, conceals it from the country, gives a false reason for moving the troops, and holds back the true one till dragged out of him by reiterated, amended, and scorching calls. He has given a pledge of war, and adopted war, and sent our army and navy to war; and that as the price of getting the "Texas bomb" in time for the Baltimore convention, and preparing the wedge to split the Union asunder.

The President continues:

"I also particularly invite your attention to the letter from Mr. Everett, our envoy at London, containing an account of a conversation in the House of Lords, which lately occurred between Lord Brougham and Lord Aberdeen, in relation to the question of annexation. Nor can I do so without the expression of some surprise at the language the minister of foreign affairs employed upon the occasion. That a kingdom which is made what it now is by repeated acts of annexation, beginning from the time of the Heptarchy, and concluding with the annexation of the kingdom of Ireland and Scotland, should perceive any principle either novel or serious in the late proceedings of the American executive in regard to Texas, is well calculated to excite surprise."

The President invites attention to the recent conversation between Lord Brougham and the Earl of Aberdeen, in the British House of Lords; and so do I. My attention was fixed upon that conversation as related in the newspapers, before Mr. Everett reported it; and I am glad that he has done so: it is another, and for about the seventh time, reiterated disavowal of all that design to interfere with slavery in Texas, or in the United States, on the Duff Green imputation of which the immediate annexation scheme had been pretexted. I had intended to have made an opportunity for producing that conversation in the Senate myself, and am under obligations to the President for having presented the occasion to me. Here it is:

"You will perceive, by the papers of this morning, that some conversation arose in the House of Lords last evening in reference to the treaty, on occasion of a question put by Lord Brougham to Lord Aberdeen. Lord Brougham assigned as a reason for his inquiry, that the conversation between Lord Aberdeen and himself on the 13th of August last had been (as he gathered from the documents which had appeared in the papers) deemed highly significant by the government of the United States, and stated that it was far from his intention in what he then said to counsel any interference with slavery as existing in the United States.

"Lord Aberdeen was very reserved in his reply. He stated that the annexation of Texas raised a question, as he believed, new and unexampled in the history of public law, which demanded and would receive the earliest and most serious attention of her Majesty's government. There was no doubt that the treaty was signed; but he shared with Lord Brougham the hope and belief that it would not be ratified; but it was impossible to speak with confidence on such a point.

"The question to which Lord Aberdeen referred as 'new and unexampled in the history of public laws,' was not stated by him; but, from the remarks with which Lord Brougham commenced, as reported in this morning's papers, may be inferred to be, the effect of a union between

two separate independent States on their previously existing relations with other powers.

"In reply to a further question from Lord Brougham, Lord Aberdeen said that the explanation which he had made of their conversation of the 18th of August, had been correctly reported by me, (a matter of necessity, I may observe, with the precaution which I took of submitting the memorandum to his inspection,) and that he had confirmed it in a despatch to Mr. Pakenham—alluding apparently to that of the 26th of December, 1843, of which a copy was furnished to Mr. Upshur."

A cat, it is said, Mr. President, has nine lives; and, consequently, must be killed nine times before it is dead. It would seem that the British statesmen have somewhat of the same opinion of the lives of the stories which our government invents against them. They have been killing one of these stories since last fall, and are at it yet; but I think they will cease their blows when they hear its fate in this chamber. Not a senator has ever repeated it! No friend even to the treaty has ever repeated it! The spectacle has been exhibited, before unseen in the history of treaties, that the government reason for making a treaty, though elaborately set out and awfully dwelt upon, has remained without a believer, a repeater, or an apologist, in the body to which it was addressed! This has been the fate of the slavery abolition story invented for the Texas operation, and which was heard with so much astonishment in this chamber, and so deliberately eschewed by every senator since. Seeing this, the British statesmen may spare themselves the trouble of the two additional killings which may be in reserve. Cat-lived as it may be, this negro story is dead.

The President complains, and sees with surprise, that the British government is taking notice of our acquisition of Texas. Was it possible for them to do otherwise, when our government bottomed the acquisition upon the imputed designs of Great Britain, and made her responsible, in the eyes of the world, for all the consequences resulting from our act? Has our President forgot the Duff Green story from London? the long letter of Mr. Upshur to Murphy of the 8th of August? the score of furious letters from Murphy? the double letter to Mr. Everett of the 28th of September? the further letter of Mr. Upshur to Murphy of 15th of January last? all charging upon Great Britain abolition designs in Texas, which must end in exciting insurrection in the United States, and in the destruction of our confederacy, if we did not immediately provide for our own safety by seizing Texas, and frustrate her design upon it. Has he forgot all this? And, above all, has he forgot the letter of the 18th of April, (six days after the treaty was signed,) from Mr. Calhoun to Mr. Pakenham, abounding with the most singular negro statistics, in which the conclusion of the treaty was communicated to the British minister for the information of his government, at the same time, accused of having made it necessary to us, as an act of self-defence, to save ourselves from destruction! and charged Great Britain with the responsibility of all the consequences growing out of it! and in which jurisdiction over the act itself, and over the question of Slavery in the United States, was given to Great Britain by the fact of pleading the cause of both at her bar? Has he forgotten the cool and keen reply of Mr. Pakenham to this most incomprehensible letter, and the manner in which that minister declined the negro controversy, which our Secretary tendered, and repulsed the serious responsibility,* which

* "It is not the purpose of the undersigned in the present communication to enter into discussion with Mr. Calhoun respecting the project thus formally announced on the part of the Government of the United States to annex Texas to the American Union; that duty will, if thought necessary, be filled by higher authority. Still less is the undersigned disposed to trespass on Mr. Calhoun's attention by offering any remarks upon the subject of slavery, as expounded in Mr. Calhoun's note. The note will be transmitted to her Majesty's government by the earliest opportunity; and with this intimation, the undersigned would for the present content himself were it not for the painful impression created on his mind by observing that the government of the United States, so far from appreciating at their just value the explanations furnished by her Majesty's government in a spirit of frankness and good faith well calculated to allay whatever anxiety this government might have

he charged? and, finally, has he forgotten that his messenger to Mexico, of the 19th of April, carried along with him a copy of Lord Aberdeen's despatch, with our Secretary's commentary upon it, to be communicated to the Mexican government as our manifesto for the immediate annexation of Texas, and the clandestine adoption of the Texian war against her? If the President has forgotten all these things, he may rest assured that nobody else has. If he is surprised that the British government takes notice of the annexation of Texas, under such circumstances, nobody else can be surprised at it. And more than that, if he and his Secretary are not called upon to recant their gratuitous insult, it must be because it is seen that they are understood and despised here, and considered as mere inventions to cover an intrigue for the presidency, and to promote an enterprise upon the Union.

But there may be another reason why Great Britain and France also, may take notice of this annexation and of the war with Mexico which it involved, and especially of the clandestine movement of ships and troops upon that power. Great Britain and France were acting as mediators between Texas and Mexico. They had procured a cession of arms, and got negotiations opened for the establishment of peace. They were earning the benediction which Heaven pronounces upon the peacemaker, and acting a part which the laws of nations acknowledge and honor, and under the faith of which Mexico was reposing in unsuspecting security. They had got the sword of war returned to its sheath, and the wings of the angel of peace spread over the heads of the combatants, when our President and the Secretary perfidiously and clandestinely seduced Texas into a breach of the armistice, instigated her to renew the war, assumed it, gave promise of help, and actually sent off ships and men to waylay the innocent party,[†] and kill them in the road. This is a crime, not only against Heaven, and against our constitution, but also against the law of nations, and against the mediating powers: it is an offence against them which gives these powers a right to take part with the injured, and makes it their duty to avenge the violated armistice of which they were the guardians. This gives Great Britain and France a right to take notice of what our government has done; and had it not been for the Senate's re-

previously felt on the particular points to which those explanations have reference, appear to have found arguments in that communication in favor of the contemplated annexation of Texas—thus, as it were, assigning to the British government some share in the responsibility of a transaction which can hardly fail to be viewed in many quarters with the most serious objection.

"All such responsibility the undersigned begs leave, in the name of her Majesty's government, at once and most positively to disclaim. Whatever may be the consequences of that transaction, the British government will look forward without anxiety to the judgment which will thereon be passed by the civilized world, in as far as shall apply to any provocation furnished by England for the adoption of such a measure,

"With the political independence of Texas not only has Great Britain disavowed all intention to interfere, but it is a well-known fact that her most zealous exertions have been directed towards the completion of that independence, by obtaining its acknowledgment at the hands of the only power by which it was seriously disputed.

"Great Britain has also formally disclaimed the desire to establish in Texas any dominant influence; and, with respect to slavery, she is not conscious of having acted in a sense to cause just alarm to the United States."—Mr. Pakenham to Mr. Calhoun, April 19, 1844.

† "In order that the Mexican government should have a just and full conception of the motives which have compelled this government to take the course it has, I enclose, by the direction of the President, a copy of the declaration of Lord Aberdeen, which Mr. Pakenham, the British minister, was instructed to read to the Secretary of State of the United States, and to leave a copy should he desire it; and the answer to it on the part of our government. The President authorizes you to read them to the Mexican Secretary of State, and permit him to take memoranda of their contents as you read, should he desire it: but not to leave copies, as they constitute a part of the documents which will be transmitted with the treaty to the Senate."—Mr. Calhoun to Mr. Ben. Edwards Green, April 19, 1844.

jection of the treaty, (which has saved the peace and honor of the country, and stopped the war which had been commenced, and caused our troops and ships to be recalled from the coasts and frontiers of Mexico:) had it not been for this wise and patriotic conduct on the part of the Senate, we should have furnished a case for European interference in American affairs, and might have drawn upon our country the armed interposition of European kings. Let the President not be surprised at finding his conduct noticed either at London or at Paris. He is well quit for a scathing notice. Had it not been for the Senate, his country would have suffered the penalty of his crime.

The President intimates, in his invitation to an examination of Mr. Everett's last despatch, that the British government has designs which they do not avow; and he dwells upon Lord Aberdeen's declaration, that the annexation treaty would be taken into the serious consideration of the British government. I have already shown that our President and Secretary have forced this treaty upon the notice of the British government from their manner of treating it, and making the British responsible for it. They have made it a British question, and have placed themselves in the wrong. They have placed the United States as a wrong doer, and a pleader at the bar of Great Britain. I do not know what advantage the British may take of this folly; but of one thing I am certain, and that is, that whatever design they may form, they will avow. This is their course, and our own history is full of its proof. They not only avow what they intend, but will not tolerate a misapprehension on the subject of their intentions. Of this, our President has some unpublished evidence on his hands which should admonish him of the injustice of attributing to Great Britain a concealment of her pretensions, be they as unjustifiable as they may. I allude to the question of right of the visit, asserted by the President in two messages to Congress, to have been relinquished in the naval and diplomatic alliance treaty of 1842, for the suppression of the slave trade. The President informed Congress that, in consequence of this agreement to furnish a squadron of eighty guns to cruise with the British on the coast of Africa, the British government had relinquished its claim to arrest and visit our vessels on the high seas—a claim intimately connected with the doctrine of impressment, and both following that practice and leading to it. Twice the President gave Congress that information, but it seems that he was in error, and that the British government has undeceived him, and that of its own accord, without solicitation, and for the mere purpose of preventing her designs from being misunderstood. In the month of July last, in a debate in the House of Commons, Sir Robert Peel took occasion to advert to this mistake of our President—to say that no principle in regard to the right of search had been relinquished, or would be relinquished, by the British Government—and that a declaration to that effect had been made to our government.

[Here Mr. B. inquired of Mr. Archer, Chairman of the Committee of Foreign Relations, whether the Administration had given him any information upon this point. Mr. A. declared that he had heard nothing about it.]

Mr. B. resumed. Then I will do their duty for them, and communicate that extraordinary circumstance to the Senate—extraordinary in itself for our President to have received such a contradiction; and made more so by his concealment of it. Here is Sir Robert Peel's statement, made in the House of Commons:

"That question [right of visit] was brought under the consideration of the house at an early period of the session, when some language that had been used by the President of the United States was adverted to, and he, (Sir Robert Peel) then stated to the house most distinctly, that, in acceding to that convention, the government never meant to relinquish, and never had relinquished any one of the principles in regard to the right of visit which this country had maintained; and he stated that a communication had been made by this government to the government of the United States maintaining the principles which he had always avowed."

In this public, peremptory, and unceremonious manner, the British statesmen correct the errors of our government in relation to misunderstandings of their designs. They permit no mistake about them. They not only will not lead us into a misapprehension, but will not permit our government to lie under one conceived without their agency.

It is the same in all cases—the Oregon—impressment—Schlosser outrage—fugitive slave criminals—and all the points of difference between us. They avow what they intend in all cases; and when such a government makes a disavowal—much more, when it repeats it to the seventh time—is it to be disbelieved? Be assured, the name of our President inspires no such terror in London, as to make the British government change its character, or conceal its designs from him. Whatever advantage they mean to take of the folly which gave them jurisdiction of the Texas treaty, and of the criminality which undertook to make them responsible for the aggression on Mexico, and of the perfidy which violated the armistice of which she was a guarantee: Whatever advantage she may choose to take of these follies and offences, our administration may rest assured that there will be no concealment—that they will hear of it in plain and direct language.

Our administration, and especially the negotiator of this treaty, has been endeavoring to pick a quarrel with England, and upon the slave question. Senators have observed this, and have remarked upon the improvidence of seeking a quarrel with a great power on a weak point, and in which we should be in the wrong, and the sympathies of the world against us, and see divided opinions at home; and doing this when we have several great questions of real difficulty with that power, in any war growing out of which we should have right on our side, good wishes from other nations, and unity among ourselves. Senators have remarked this, and set it down to the account of a great improvidence. I look upon it, for my part, as a designed conclusion, and as calculated to promote an ulterior scheme. The disunion of these States is still desired by many, and the slave question is viewed as the instrument to effect it; and in that point of view, the multiplication of quarrels about slavery, both at home and abroad, becomes a natural part of the disunion policy. Hence the attempt to pick a quarrel with Great Britain for imputed anti-slavery designs in Texas, and among ourselves, all the miserable correspondence to which that imputation has given birth; and that by persons who, two years ago, were emulating Great Britain in denunciation of the slave-trade, and forming a naval and diplomatic alliance with her for closing the markets of the world against the introduction of slaves. Since then the disunion scheme is revived; and this accounts for the change of policy, and for the search after a quarrel upon a weak point, which many thought so improvident.

The President expresses his continued belief in a declaration previously made to the Senate, that an alliance, offensive and defensive, is to be formed between Texas and Great Britain, if the treaty is rejected. Well, the treaty is rejected! and the formidable alliance is not heard of, and never will be. It happens to take two to make a bargain; and the President would seem to have left out both parties when he expressed his belief, amounting almost to certainty, "that instructions have already been given by the Texian government to propose to the government of Great Britain forthwith, on the failure (of the treaty) to enter into a treaty of commerce, and an alliance offensive and defensive."

Alliance offensive and defensive, between Great Britain and Texas! a true exemplification of that famous alliance between a giant and a dwarf, of which we all read at the age of seven years. But let us see. First, Texas is to apply for this honor; and I, who know the people of Texas, and know them to be American and Republican, instead of British and monarchical, know full well that they will apply for no such dependent alliance; and, if they did, would show themselves but little friendly to our country or its institutions. Next, Great Britain is to enter into this alliance; and how stands the account of profit and loss with her in such a contract for common cause against the friends and foes of each other? An alliance offensive and defensive, is a bargain to fight each other's enemies—each in proportion to its strength. In such a contract with Texas, Great Britain might receive a contingent of one Texian soldier for her Afghanistan and Asiatic war: on the other hand she would lose the friendship of Mexico and the twenty millions of silver dollars which the government or the merchants of Great Britain now annually draw from Mexico. Such would be the effect of the alliance offensive and defensive which our President so fully believes in—

amounting, as he says his belief does, to an almost entire certainty. Incredible and absurd! The Mexican annual supply of silver dollars is worth more to Great Britain than all the Texas in the world. Besides the mercantile supply, the government itself is deeply interested in this trade of silver dollars. Instead of drawing gold from London to pay her vast establishments by land and sea throughout the New world, and in some parts of the Old—instead of thus depleting herself of her bullion at home, she finds the silver, for these payments in the Mexican mines. A Commissary of Purchases at \$6,000 per annum, and a Deputy at \$4,000, are incessantly employed in these purchases and shipments of silver; and if interrupted, the Bank of England would pay the forfeit. Does any one suppose that Great Britain, for the sake of the Texian alliance, and the profit upon her small trade, would make an enemy of Mexico? would give up twenty millions annually of silver, deprive herself of her fountain of supply, and subject her bank to the drains which the foreign service of her armies and navies would require? The supposition is incredible; and I say no more to this scare-crow alliance, in which the President so fully believes.

The President dilates upon the justice of the Texian revolution, and pleads its cause at the bar of nations. All his messages are graced with this justification. He is profuse in alleging that they had cause for revolt, and seems to address his allegations to the opponents of the present treaty. Now it happens that this is a work of supererogation with me. I happened to have thought of that at the time of the revolt, and need no indoctrinating from the neophytes of 1844, in the cause of the Texian revolution. I spoke on this point in 1836, and here is what I said:

“Heartless is the calumny invented and propagated, not from this floor, but elsewhere, on the cause of Texian revolt. It is said to be a war for the extension of slavery! It had as well be said that our own revolution was a war for the extension of slavery. So far from it, that no revolt, not even our own, ever had a more just and a more sacred origin. The settlers in Texas went to live under the form of government which they had left behind in the United States, a government extending so many guaranties for life, liberty, property, and the pursuit of happiness, and which their American and English ancestors had vindicated for so many hundred years. A succession of violent changes in government, and the rapid overthrow of rulers, annoyed and distressed them; but they remained tranquil under every violence which did not immediately bear on themselves. In 1822 the republic of 1821 was superseded by the imperial diadem of Iturbide. In 1823 he was deposed and banished, returned and was shot, and Victoria made President. Mentuno and Bravo disputed the Presidency with Victoria, and found in banishment the mildest issue known to unsuccessful civil war. Pedraza was elected in 1828; Guerrero overthrew him the next year. Then Bustamente overthrew Guerrero; and, quickly, Santa Anna overthrew Bustamente, and with him all the forms of the Constitution and the whole frame of the federative government. By his own will and by force, Santa Anna dissolved the existing Congress, convened another, formed the two houses into one called it a convention, and made it the instrument for deposing, without trial, the constitutional Vice President, Gomez Farias, putting Barragan into his place, annihilating the State governments, and establishing a consolidated government, of which he was monarch under the retained republican title of President. Still the Texians did not take up arms. They did not acquiesce, but they did not revolt. They retained their State government in operation, and looked to the other States, older and more powerful than Texas, to vindicate the general cause, and to re-establish the Federal Constitution of 1824. In September, 1835, this was still her position. In that month a Mexican armed vessel appeared off the coast of Texas and declared her ports blockaded. At the same time General Cos appeared in the west with an army of fifteen hundred men, with orders to arrest the State authorities, to disarm the inhabitants, leaving one gun to every five hundred souls, and to reduce the State to unconditional submission. Gonzales was the selected point for the commencement of the execution of these orders; and the first thing was the arms—those trusty rifles, which the settlers had brought with them from the United States, which were their defence against savages, their resources for game, and the guard which converted their houses into castles, stronger

than those “which the King cannot enter.” A detachment of General Cos’s army appeared at the village of Gonzales, on the 28th of September, and demanded the arms of the inhabitants: it was the same demand, and for the same purpose, which the British detachment under Major Pitcairn had made at Lexington on the 19th of April, 1775. It was the same demand! and the same answer was given—resistance—battle—victory! for the American blood was at Gonzales as it had been in Lexington; and between using their arms and surrendering their arms, that blood can never hesitate. Then followed the rapid succession of brilliant events which, in two months, left Texas without an armed enemy in her borders, and the strong forts of Goliad and the Alamo, with their garrisons and cannons, the almost bloodless prizes of a few hundred Texian rifles. This was the origin of the revolt; and a calumny more heartless can never be imagined than that which would convert this just and holy defence of life, liberty, and property, into an aggression for the extension of slavery.

“Just in its origin, valiant and humane in its conduct, sacred in its object, the Texian revolt has illustrated the Anglo-Saxon character, and given it new titles to the respect and admiration of the world.”

Thus, and in these terms, did I vindicate the justice of the Texian revolt; and that at a time when Texas needed friends, and when so many tongues were silent, which are now so clamorous. But, although I justified the revolt, I did not dream of involving my own country in it. I did not dream of making her a party to the Texian war. True to the principal of neutrality, and noninterference, I was for peace with Mexico, and good will to Texas, as I now am. I saw in that revolt the certainty of Texian independence; and in that independence, the certainty of the reunion of all the territory to the United States which was sacrificed by the treaty of 1819. Independence was now on the point of being attained under the auspices of Great Britain and France, when the perfidy of this administration broke the armistice and threw the question back. In the natural order of events, peace and independence would have been secured to Texas during the present year, (1844;) and Texas, with peace and honor, would have come into our union next year (1845). But the designs of the President and Secretary required the Texas question to come into the Presidential election this summer; and, therefore, the treaty of annexation had to be procured, no matter at what price, exactly forty days before the sitting of the Baltimore Convention. Exactly forty days! for had it been earlier, there would have been time to expose the intrigue; if later, it would have been too late to make and unmake presidential candidates.

The President tries the virtue of the “now or never” argument. He says:

“With the views which I entertain on this subject, I should prove faithless to the high trust which the Constitution has devolved upon me, if I neglected to invite the attention of the representatives of the people to it at the earliest moment, that a due respect for the Senate would allow me so to do. I should find, in the urgency of the matter, a sufficient apology, if one was wanting, since annexation is to encounter a great, if not certain, hazard of final defeat, if something be not now done to prevent it.”

This is the potent argument when reason fails. Now or never is the address to the fears when the judgment refuses to yield. I have already answered it, and shown that, instead of now or never, it is now and always. The people of Texas are a part of ourselves, and their country is a part of our country; and their hopes and wishes—their love and affection—will centre in our Union just as long as the Red River and the Arkansas shall pour their floods into the Mississippi.

But there has been a “now-or-never” connected with this business, which the President fully understands, and through the crisis of which he agonizingly went. The 11th day of April, 1844! The Baltimore Convention was a; proaching; the Texas bomb could be waited for no longer; the price demanded was tremendous! unconstitutional war, perfidiously, clandestinely, and infamously made! But it was the only price. Nothing less would get the “bomb;” and it being “then or never,” the price was paid—the “bomb” procured—and instantly launched among the candidates.

The President has a just conception of the critical conjuncture of a “now or never;” but he has mistaken the

time and nature of this crisis; and must be remitted to his own scheme, and that of his Secretary, for its just and appropriate application.

The bill which I have offered, Mr. President, is the true way to obtain Texas. It conciliates every interest at home and abroad, and makes sure of the accomplishment of its object. Offence to Mexico, and consequent loss of her trade and friendship, is provided against. If deaf to reason, the annexation would eventually come without her consent, but not without having conciliated her feelings by showing her a proper respect. The danger of future Missouri controversies is avoided, by providing in the bill for the admission of slave States, and neutralizing the slave question by dividing the annexed territory equally between the slave and non-slave holding States—a division for which nature had provided in the equal and natural division of the countries into two equal halves, one half fit, the other unfit, for profitable slave labor. The treaty only provided difficulties—difficulties at home and abroad—war and loss of trade with Mexico—Missouri controversies, and dissolution of the Union at home. When the time came for admitting new States under the treaty, had it been ratified, then came the tug of war. The correspondence presented it wholly as a slave question. As such it would be canvassed at the elections; and here numerical strength was against us. If the new States were not admitted with slaves, they would not come in at all. Then southern States might say they would stand out with them; and then came the crisis! So obviously did the treaty mode of acquisition, and the correspondence, lead to this result, that it may be assumed to have been their object; and thus a new period arranged for the dissolution of our Union. Happily, these dire consequences are averted, for the present; and the bill I have brought in provides the way of obviating them forever, and, at the same time, making sure of the annexation.

Mr. President, I have presented you considerations, founded in the relations of commerce and good neighborhood, for preserving not merely peace, but good will with Mexico. We are the first—the second power of the NEW WORLD. We stand at the head of the Anglo-Saxon—she at the head of the south-European race—but we all come from the same branch of the human family—the white branch—which taking its rise in the Caucasian Mountains, and encircling Europe by the north and by the south, sent their vanguards to people the two Americas—to redeem them from the savage and the heathen, and to bring them within the pale of the European systems. The independence of these vanguards from their metropolitan ancestors, was in the natural order of human events; and the precedence of the Anglo-Saxon branch in this assertion of a natural right, was the privilege and prerogative of their descent and education. The descendants of the English became independent first; those of the Spaniards followed; and, from the first dawn of their national existences, were greeted with applause, and saluted with the affection of brothers. They, on their part, showed a deference and an affection for us, fraternal and affecting.

Though speaking a different language, professing a different religion, bred in a different system of laws and of government, and guarded from all communication with us for centuries, yet they instantly took us for their model, framed their constitutions upon ours, and spread the great elements of old English liberty—elections, legislatures, juries, habeas corpus, face-to-face trials, no arrests but on special warrants!—spread all these essentials of liberty from the ancient capital of Montezuma to the end of the South American Continent. This was honorable to us, and we felt it; it was beneficial to them, and we wished to cement the friendship they had proffered, and to perpetuate among them the institutions they had adopted. Conciliation, arising from justice and fairness, was our only instrument of persuasion; and it was used by all, and with perfect effect. Every administration—all the people—followed the same course; and, until this day—until the present administration—there has not been one to insult or to injure a new State of the South. Now it is done. Systematic insult has been practised; spoliation of two thousand miles of incontestable territory, over and above Texas, has been attempted; outrage, to the perpetration of clandestine war, and lying in wait to attack the innocent by land and water, has been committed; and on whom? The second power of the New World after ourselves—the head of the Spanish branch—and the people in whose treatment at our hands the rest may read their own. Descended from the proud and brave Castilian—as proud and as brave now as in the time of Charles the Fifth, when Spain gave law to nations, and threatened Europe with universal domination—these young nations are not to be outraged with impunity. Broken and dispersed, the Spanish family has lost much of its power, but nothing of its pride, its courage, its chivalry, and its sensitiveness to insult.

The head of the powers of the New World—deferred to as a model by all—the position of the United States was grand, and its vocation noble. It was called to the high task of uniting the American nations in the bonds of brotherhood, and in the social and political systems which cherish and sustain liberty. They are all republics, and she the elder sister; and it was her business to preserve harmony, friendship, and concord in a family of republics, occupying the whole extent of the New World. Every interest connected with the welfare of the human race required this duty at our hands. Liberty, religion, commerce, science, the liberal and the useful arts, all required it; and, until now, we had acted up to the grandeur of our position, and the nobleness of our vocation. A sad descent is now made; but the decision of the Senate arrests the plunge, and gives time to the nation to recover its place, and its character, and again to appear as the elder sister, the friendly head, and the model power of the cordon of republics which stretch from north to the south, throughout the two Americas.

The day will come when the rejection of this treaty will stand, uncontestedly, amongst the wisest and most patriotic acts of the American Senate.

Mr. Benton's Speech in Boonville.

The Boonville "Union" contains the substance of two speeches made by Mr. Benton, in Boonville, on the 17th and 18th ult., written out by himself. The following notice of one of them is copied from the St. Louis Republican:

In the commencement of his remarks, Mr. Benton is said to have "disclaimed all personal or individual feeling in the approaching election; his sole object in coming to the meeting being to advance the interests of the great Democratic cause, and without the slightest regard to himself. He had been elected four times to the Senate of the United States by the will of the people, and he was more disposed to return them thanks for these four elections than to ask them to elect him a fifth time. He felt himself neutral and passive in this question, asking for nothing, paying no attention to himself, and only desiring to contribute his part to the success of the great cause in which they were all engaged."

Mr. Benton then referred to Mr. Van Buren and Mr. Senator Wright, and was warm in his praise of these gentlemen. He declared his personal and political friendship for Mr. Polk, and expressed himself pleased with that part of his letter of acceptance in which he pledged himself to a single term of four years in the event of his election. "Though in favor of two terms, and believing that time short enough for a President to establish systems and consolidate great measures, yet in this particular case there was reason for an exception; and he was rejoiced to see that Mr. Polk had voluntarily made it. The reason was: the North had given but three Presidents in the fifty-five years which the Union had existed, and not one of these had been re-elected.

"The southern States had given all the rest, and re-elected every one. While this difference was confined to Federal Presidents it might be considered as a political effect

and left no sting behind; but, after the same thing began to happen to Democratic Presidents, the political cause for it might begin to disappear, and the revolting spectre of a sectional or geographical, or 'peculiar institution' reason rise up in its place! No such hideous and anti-national reasons for putting down Northern Presidents could be allowed to exist, without irritating or arraying one half of the Union against the other; and, therefore, it was of the highest possible moment to obliterate the memory of what had happened in the case of Mr. Van Buren in the shortest possible time. Mr. Polk's voluntary pledge for a single term opened the door for this consummation; and he, for one, was in favor of seeing the Democratic candidate of 1848 taken from the North."

Passing a brief eulogium upon Mr. Dallas, Mr. Benton proceeded to "the subject on which all were anxious to hear him speak, namely, the annexation of Texas." Much of the first part of this speech was taken up in establishing the positions which he had maintained upon the negotiation of the first treaty, by which Texas was lost to us through the instrumentality of Mr. Calhoun and other Southern members of Mr. Monroe's Cabinet. He read the bill introduced by him at the last session of Congress, giving authority to the President to open negotiations with Mexico and Texas for the adjustment of boundaries and the acquisition of Texas, and proceeded to explain and defend it.— "Let those who want Texas with the Union," he said, "go for the bill; let those who want Texas without the Union, adhere to the dead treaty." Mr. Benton proceeded.

"Disunion was a primary object of the treaty; an intrigue for the Presidency was its secondary object; and speculation and stock jobbing were auxiliary objects; and the four objects together brought it forward at the time and in the manner in which it came forward just forty days before the Baltimore Convention, and at the exact moment to mix with the Presidential election, and to make dissension, discord, and mischief between the North and the South. Mr. Benton said he meant this for the prime movers and negotiators of the treaty, and not for those who supported the treaty without participating in the views of its makers. He had in various speeches exposed the disunion scheme, and the intrigue for the Presidency; he had not shown the part which land speculation and stock-jobbing acted in concocting the treaty, and pressing its ratification. He had not noticed this part; but it was a conspicuous one, and was seen by every body at Washington. The city was a buzzard roost; the Presidential mansion and Department of State were buzzard roosts! defiled and polluted by the foul and voracious birds, in the shape of land speculators and stock-jobbers who saw their prey in the treaty, and spared no effort to secure it. Their own work was to support the treaty and its friends—to assail its opponents—to abuse the Senators who were against it—to vilify them, and lie upon them in speech and in writing—and to establish a committee, still sitting at Washington, to promote and protect their interest. The treaty assumed ten millions of debt and confirmed all the land claims under the law of Texas.

"The treaty correspondence claimed two hundred millions of acres of land in Texas, of which two thirds were represented as vacant and claimed as a fund out of which the debt assumed was to be paid. Vain and impotent attempt at deception! Open and fraudulent attempt to assume a bubble debt for the benefit of stock jobbers without any adequate consideration either to Texas or the United States. Texas in all its proper extent—in its whole length and breadth, from the Sabine to the west of the Nueces, and from the Gulf of Mexico to the Red River—contains but 135,000 square miles, equal to 84 millions of acres, and to get the remainder of the quantity of 200 millions of acres, we have to count the wild country under the dominion of Comanche Indians, and the left bank of the Rio Grande from head to mouth, all of which is under Mexican dominion, and great part of which has been settled and granted above two hundred years.

It is nonsense to talk of Texas possessing vacant land.— If there is anything vacant, it is because it is not worth having. Texas itself has been settled at San Antonio, Nacogdoches, and other places above one hundred years, and has been under the dominion of three different governments, each of which has been granting away its lands, and that not by forty acre and eighty acre tracts, but by leagues and parallels of latitude and longitude, and by hundreds of thousands and millions of acres at a time. The King's Government made grants there from 1720 to 1820, then the States

of Coahuila and Texas, united as one State, made grants from 1820 to 1835, when the Texan revolution broke out; and since that Texas has been granting by wholesale and retail, having a General Land Office at the seat of Government, and a local one in every county, all employed in granting land, and that to the Anglo-Saxon race, whose avidity for land is insatiable.

After all this, what vacant land can there be in Texas? Not an acre worth having; so that the assumption of her debt by the treaty was gratuitous, and without consideration. And what a debt! created upon scrip and certificates at every imaginable depreciation and now held by jobbers, most of whom have purchased at two cents, and five cents, and seven cents in the dollar, and would have seen their scrip, where it bore six per cent., worth upwards of one hundred cents to the dollar the day the treaty was ratified; and where it bore ten per cent. interest, as three millions of it did, would have been worth upwards of two hundred cents in the dollar on the day of the ratification of the treaty.— And all this to go to the benefit, not even of Texas, but of speculators; and that while the United States refuse, and rightly refuse, to assume the debts of their states.

These scrip-holders were among the most furious men at Washington, and cannot bear the idea of having their scrip scaled as the continental bills of the American revolution (issued under the same circumstances) were scaled, so as to give them back their outlay and interest; but they want them funded, as the soldiers' certificates were in the year 1791, not for the benefit of soldiers, but for the benefit of jobbers and members of Congress, who, by law, turned two and sixpence into thirty shillings in their own pockets, and that to the amount of millions of dollars. The Yazoo land speculations, and the soldiers' certificate speculation, were grains of mustard to the mountain compared to the Texas land and scrip speculation which the rejection of the treaty balked. Under the bill justice will be done. The scrip will be sealed, and void grants of land annulled.

To show the extent of these land grants, and to expose the fraudulent statements in the treaty correspondence, that only sixty-seven millions of acres had been granted, Mr. B. produced and exhibited to all present a large pamphlet with a map attached to it, containing the claims of a single individual, and all of which were asserted to be valid under the treaty. They were grants derived from the second of the governments which had granted lands in Texas, to wit: the States of Coahuila and Texas when united as one State, which was their condition from 1820, when the Mexican revolution broke out, to 1835, when Texas revolted.— The grants were made to a Mr. John Charles Beals, an Englishman, married to a Mexican woman, or to Mexicans, and purchased by him; and all obtained for little or no consideration—some in reward for introducing manufactures—some on condition of settling families—some on condition of introducing cattle—and some unconditionally. They are now all transferred to a citizen of the United States, a Mr. John Woodward, of New York, and amount to far more than the whole quantity which the treaty correspondence admits to have been granted by all the Governments which ever held Texas.

Mr. B. then enumerated these grants and pointed out their position on the map, the quantities in all cases not ascertainable because they extended from rivers to rivers, from mountains to mountains, and from parallels to parallels of latitude and longitude. The first was a grant of forty-five millions of acres, being a fraction less than the States of Kentucky and Ohio united, extending from north latitude 32 degrees to 37 degrees and 20 minutes, and from longitude 102 degrees west from Greenwich to the Sierra Obscura mountains, and covering the upper waters of the Colorado, the Red River, and the Arkansas.

Another covered three degrees of latitude—from 28 to 32 degrees—bounded west on longitude 100 degrees west from Greenwich, and extending east to the Colorado, on which it bounds fifteen leagues. A third extended from the Nueces to the Rio Grande, and covered two degrees of latitude—from 27 to 29. A fourth claim consisted of a set of grants, nine in number, each for eleven leagues, making ninety-nine leagues in the whole, lying on the Nueces, and all made to Mexicans, from whom Beals purchased. These ninety-nine leagues were absolute and unconditional grants, in fee simple the others were empressario grants, or upon the condition of settling a number of families on each. The families had not been settled, being prevented by the Indian wars and Texian revolution; and the pamphlet sets out the de-

cision of the Supreme Court of the United States in the case of the Aredondo claim, and the Clark claim in Florida, to show that in such cases (the performance of the condition becoming impossible by the act of God, of the public enemy, or the grantor) the condition becomes discharged, the grant is absolute, or the party may have time after the cessation of the obstacle to fulfil the terms.

Under these decisions and the terms of the late treaty, all these grants, amounting to seventy or eighty millions of acres, equal to three or four such states as Kentucky, are claimed to be valid; and that claim would go to the same court which decided the Aredondo and the Clark claim, for the treaty annulled none. The Florida treaty of 1819 annulled the great grants to the Duke of Alagon, the Count Pannon Rostro, and Don Diego Vargas, and they are not recognized by the courts; but it omitted to name the claims of Aredondo and Clarke, and these have been confirmed by the Supreme Court of the United States, and it is notorious that members of Congress became rich upon the shares of these grants.

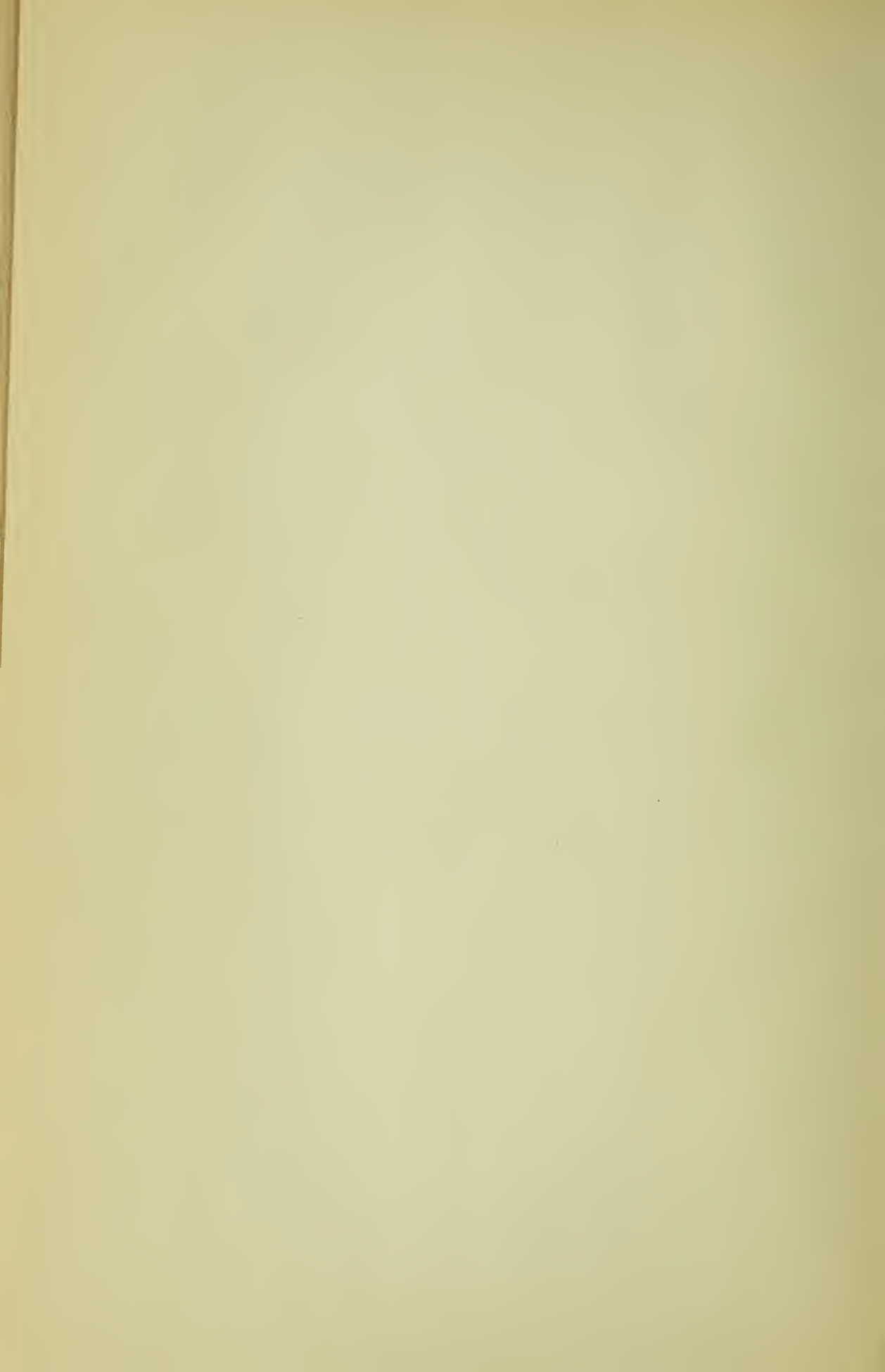
The grants, Mr. B. said, collected into the hands of Beals, stood upon the same footing with that to Aredondo. They were not annulled by the late Texian treaty. None were annulled by it. All the grants were confirmed which were good under the laws of Texas; and the laws of Texas, so far as the right of property is concerned, are the laws of Spain and Mexico, and Coahuila and Texas, under which the right of property accrued.

Mr. B. said the President's message communicating the treaty to the Senate was as untrue in relation to the granted and to the vacant lands in Texas as it was in every other particular. Instead of two hundred millions of acres, there were only eighty four millions of acres in Texas proper; the rest was the one half in Tamaulipas, Coahuila, Chihuahua, and New Mexico, and had been granted away centuries ago; and the other half in the wild country of the Camanches and the Sierra Obscura mountains, and must be fought for and bought from these Indians before it can be possessed, and will be then found to be covered by Beals's forty-five million acre grant. Instead of thirty seven millions of acres granted, every inch of Texas proper, and all the Indian country besides, was granted away. Instead of one hundred and thirty millions of acres of vacant land, there was no vacant land; for even the sterile mountains and barren prairies had been granted to speculators to sell to the U. States and in Europe; and the assumption to pay the scrip debts of Texas in consideration of the vacant lands, was a naked and fraudulent assumption to pay ten millions for nothing—and that to stock jobbers who had given two cents, and five cents, and seven cents in the dollar for the claims, and whose agents were at Washington infesting the Capitol, the President's house, and the Department of State, and doing all that was in their power to sustain the treaty, and to pull down the Senators who despised them and their scrip.—The treaty was a fraud in not annulling the great grants made for considerations not fulfilled, and for not scaling the depreciated scrip debt. It was a fraud in these particulars, but this fraud created a voracious and clamorous interest for the treaty. Mr. B. said the patriotic people of Missouri were mistaken in supposing that every body were like themselves, actuated by laudable motives in wanting Texas, because it was geographically connected with the United States, and essential to its political, commercial and social system. There were others who wanted it for very different purposes—the disunionists, for example, who wanted to use it for separating the slaveholding from the non-slaveholding States; Presidential intriguers, who wanted to make and unmake Presidential candidates; and land-speculators and stock jobbers, who wanted to enrich themselves. Throughout his speech, Mr. B. presented it as the design of the Texas treaty not to get Texas into the Union, but to get the Southern States out of it, and showed that the whole treaty, and all the correspondence relating to it,

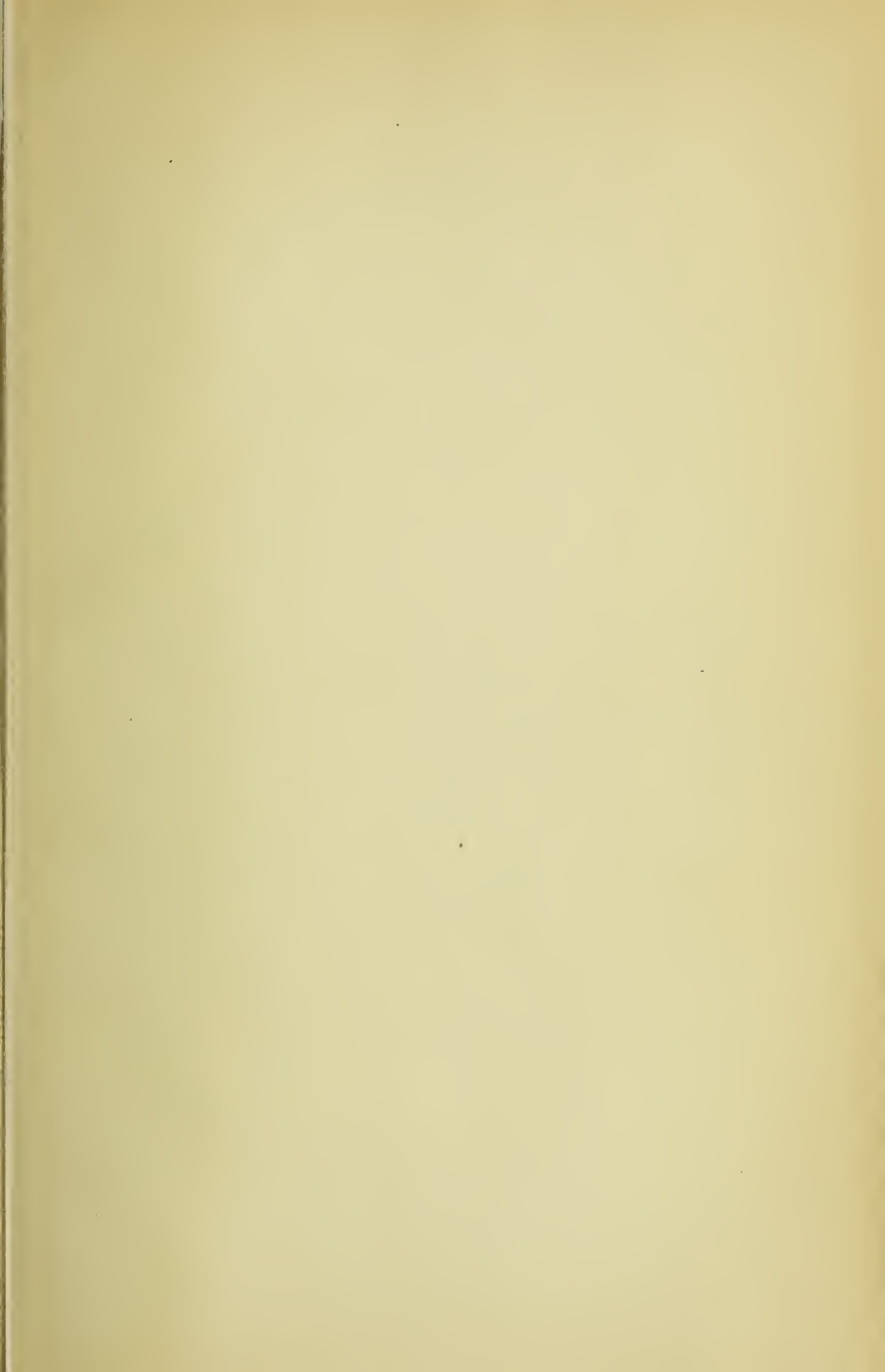
was studiously and artfully contrived for that purpose. To pick a quarrel with Great Britain, and also with the non-slaveholding states on the subject of slavery, was the open and continued effort. To present the acquisition of Texas as a southern, sectional, slaveholding question, wholly directed to the extension, perpetuation and predominance of slavery, was his express and avowed object. And after all this open effort to make the Texas question a slave question, the admission of the Texan states into the Union was to be submitted to a House of Representatives where there was a majority of forty-six members from the non-slaveholding states! What could all this be for except to have the Texan states refused admission, and a pretext furnished the southern states for secession? All this was so well understood in South Carolina that the cry of "Texas or Disunion" was raised in that quarter not only before the treaty was rejected but before it was made! Let it never be forgotten, said Mr. B., that a treaty cannot admit new states.—The Constitution grants that power to Congress. The Texas treaty did not, and could not admit Texas as a state, it only admitted it as a territory. The question of admitting the states would have to come on afterwards in Congress; and the non-admission being previously made sure of, then the secession from the north and adhesion to Texas was to become the "rightful remedy." Texas being in the Union as a territory by the supreme law of the land, a treaty, her non-admission by Congress would become a breach of that supreme law, and many under those circumstances were counted upon to secede who would otherwise abhor secession.

Mr. B. said he saw the first signs of this scheme of disunion during the session of Congress in 1842—43.—He saw other signs of it in the summer of 1843: and by the end of the late session of Congress, the signs had become so thick and clear that he was able to denounce it on the floor of the Senate. His reply to Mr. McDuffie on Saturday, the fifteenth of June was the first public denunciation of this new treason against the Union. He had denounced it long before to many persons, and particularly at the late session of Congress to Mr. Aaron V. Brown, a member of Congress from Tennessee, who had vicariously obtained the Texas letter from General Jackson, and who seemed to be vicariously charged with some enterprise on himself, and which was nipped in the bud, be it what it might. He had foretold at the commencement of the session all that he proclaimed at the end of it. He knew the treasonable design, and the Presidential intrigue long before he proclaimed it in the Senate. He could not speak out until the signs were sufficiently developed to command the attention and the credence of the public. Before the end of the session this was the case. Believing in the strength of the Texas question, and that the patriotic sympathies of the people might blind them to the consequences of rash counsels; the old nullifiers and disunionists of 1832 went boldly to work to accomplish the design which they admit they began too soon.

Disunion, as a consequence of non-annexation, was proclaimed in hundreds of resolutions. Measures were openly concocted for carrying the resolutions into effect. Members of Congress from the southern states were invited to act together; communications with the Texan Ministers were recommended to be opened; all the slave states were to be roused and excited; and to crown the scheme, a Hartford Convention, under the pretext of a Southern Texas Convention, was proposed to be held at Nashville. All this he, Mr. B., had denounced in the Senate. He denounced it in the hearing of thousands, with the concurrence of almost all, and without denial from any. Whigs and democrats applauded him. Happily there was one green spot in the political field where whigs and democrats united, and that was in the patriotic field of devotion to the Union. Whigs cheered him as well as democrats, when he denounced disunion in the American Capitol!







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